3–2–98
Vol. 63 No. 40
Pages 10123–10288

federal register

Monday
March 2, 1998

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 63, No. 40
Monday, March 2, 1998

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 29155]

Procedures for Processing Petitions for Final Compliance Waivers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Policy statement.

SUMMARY: This document presents a review of the procedures and information necessary for a U.S. air carrier operating Stage 2 noise level airplanes subject to the Stage 3 transition regulations, required by the Airport Noise and Capacity Act of 1990 (ANCA), to submit a request for a final compliance waiver. ANCA provides that U.S. air carriers may apply for a waiver from final compliance. This document outlines the requirements for a petition for waiver from the final compliance requirements of the Stage 3 transition regulations.

EFFECTIVE DATE: March 2, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. William W. Albee, Policy and Regulatory Division (AEE–300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3553, facsimile (202) 267–5594.

SUPPLEMENTARY INFORMATION:

Background

The Airport Noise and Capacity Act of 1990 (ANCA) provides that after December 31, 1999, no person may operate a Stage 2 airplane over 75,000 pounds in the contiguous United States. This statutory requirement is codified at 14 CFR 91.853. ANCA also provides that a U.S. air carrier may request a limited waiver under certain circumstances.

In order to facilitate planning by affected U.S. air carriers, the Federal Aviation Administration (FAA) is summarizing the regulatory and statutory requirements for final waiver requests from the Stage 3 transition regulations.

Filing Requests

As stated in 49 U.S.C. 47528(b), a U.S. air carrier may apply for a waiver from final compliance if, by July 1, 1999, at least 85% of the air carrier's fleet meets Stage 3 noise standards. ANCA requires that waiver applications must be filed no later than Friday, January 1, 1999. These statutory provisions are also codified in 14 CFR 91.873. Although the statute states that applications are to be filed with the Secretary of Transportation, authority for ANCA requirements has been delegated to the FAA (*see* CFR 1.47(s)).

The statutory criteria for petitioning for a waiver from final compliance are codified at 14 CFR 91.873. Since ANCA was enacted in 1990, the FAA had to determine how new entrants would be considered under this criteria. The FAA decided that to be eligible to apply for the waiver under this section, a new entrant U.S. air carrier must initiate service no later than January 1, 1999, and must comply fully with all provisions of § 91.873, including having a fleet that would be 85% Stage 3 by July 1, 1999.

Each request from a petitioning air carrier for a final compliance waiver will be reviewed to determine whether it meets the basic criteria listed in 14 CFR 91.873. If the criteria are not met, the petitioning air carrier will receive a letter indicating that all of the required information has not been submitted. Petitioning air carriers will have an opportunity to submit missing information before any disposition is final.

When the FAA promulgated the Stage 3 transition regulations in 1991, it stated in the preamble that ''[t]he FAA has not changed its basic position from the notice of proposed rulemaking that waivers from the final compliance date will not be automatic. The FAA agrees that operators should be cautioned to plan for the final compliance date; if the Congress did not intend the cessation of Stage 2 operations in the contiguous United States by December 31, 1999, that provision would not appear in the statute. The FAA intends the statutory waiver provision to be a relief valve against unforeseen economic and supply circumstances to be determined based on the circumstances of the individual operators at the time. ''Automatic'' waivers cannot provide for unique circumstances.''

Criteria (14 CFR 91.873)

ANCA contains a provision that allows U.S. air carriers to apply for a waiver from final compliance. This statutory provision is implemented in 14 CFR 91.873. In order to apply for a waiver from final compliance, at least 85% of a U.S. air carrier's fleet must meet Stage 3 noise standards by July 1, 1999. Applications must be filed with the FAA by January 1, 1999, and they must include a plan with firm orders for replacing or modifying all airplanes to ensure compliance with Stage 3 noise levels at the earliest practicable time. To avoid any misinterpretation, the FAA reminds each affected U.S. air carrier that its annual report for 1998, which is required under § 91.875, must reflect the carrier's progress in meeting the 100% Stage 3 requirement fleet by December 31, 1999. Annual reports for 1998 may not use the final waiver as an expected means of compliance.

The statute requires that a waiver from final compliance may be granted only if the granting of such a waiver is found to be in the public interest. No waivers may be granted beyond December 31, 2003. In determining whether the public interest criteria is met, the FAA will use elements similar to those used to consider interim compliance waivers under § 91.871. The criteria used under § 91.871 are as follows:

Each application for a waiver must contain all of the following:

1. The petitioning air carrier's plan to achieve interim and final compliance;
2. An explanation of the petitioning air carrier's efforts to date to achieve compliance; and
3. The petitioning air carrier has to show why its request would be in the public interest.

In accordance with its previous interim compliance waiver requirements, the FAA will also consider whether compliance has been shown to be:

1. financially onerous;
2. physically impossible;
3. technologically infeasible; or

4. have an adverse effect either on competition or service to small communities.

Scope of Request

Each waiver request will be considered only for the airplanes operated by the petitioning air carrier on the date the request was submitted to the FAA. The FAA's analysis will take into account the total circumstances of the petitioning air carrier, including all actions taken up to the date of the request.

Publication

Upon completion of the review and determination that the petition of the air carrier is complete in accordance with the criteria described above, a summary of the petition will be published in the **Federal Register** for public comment for a minimum of 14 days. A docket will be opened that contains the petition, any other pertinent information, and any comments received.

Response

After the close of the comment period, the FAA may grant a waiver after considering whether granting such waiver would be in the public interest and if granting such waiver fulfills the statutory intent of phasing out Stage 2 airplanes. In making such a finding, the statute requires the FAA to consider the effect of granting such waiver on competition in the air carrier industry, the effect on small community air service, and any other information submitted by the petitioning air carrier. Also, the FAA will not act upon a waiver request until the petitioning air carrier meets the 85% Stage 3 airplane fleet requirement, which must be met no later than July 1, 1999, to get a waiver. If the results of the analysis show that the petitioning air carrier has met the criteria, the FAA will prepare documentation to grant the request for waiver. If the analysis shows that the petitioning air carrier has failed to meet the criteria, the FAA will prepare documentation to deny the request. A copy of the approval or denial document will be placed in the docket, and it will be made available for public inspection.

Length of Waiver

Any waiver granted will be for the shortest possible time as required by the circumstances presented by the petitioning air carrier, but in no case will the waiver permit the operation of any Stage 2 airplane subject to § 91.853 after December 31, 2003. If the petitioning air carrier cannot achieve compliance within the time frame granted in a waiver, the petitioning air carrier must submit a new request that will be evaluated under the same criteria as the original request. New requests that fail to provide more information than the original will be denied.

Dual-Certificated Airplanes

The FAA is taking this opportunity to remind operators about the special procedures available for noise compliance by dual-certificated airplanes.

Certain Boeing 747 airplanes received dual noise certification, and the appendices of the Airplane Flight Manuals (AFM) for these airplanes contain the weights and flap settings for both Stage 2 and Stage 3 operations. The FAA considers all such airplanes to be Stage 2 airplanes for compliance purposes unless and until one of three options is chosen by the operator. These options are:

1. The aircraft is designated in the operations specifications, paragraph A26, as restricted to Stage 3 operation when operating to or from any airport in the contiguous 48 United States;

2. The operator surrenders the dual certification to the FAA or Boeing through amendment of the AFM by supplemental type certificate. The AFM would then contain only the operating limits for Stage 3 operation; or

3. If an operator demonstrates to the FAA that the configurations listed in the AFM for Stage 2 and Stage 3 operations are identical at the maximum gross takeoff weight of the airplane, the airplane may be designated Stage 3.

Only Boeing 747 airplanes that had previously received dual type certification are eligible to use these compliance options. These compliance options are available for use during the interim compliance period. After December 31, 1999, one of these options must be chosen for each dual-certificated Boeing 747 or the airplane will not be eligible for inclusion on the U.S. operations specifications of the operator.

Issued in Washington, DC, on February 24, 1998.

James D. Erickson,

Director of Environment and Energy.

[FR Doc. 98–5295 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

RIN 1076–AD52

Housing Improvement Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This rule revises the procedures governing the Housing Improvement Program (HIP). The Bureau of Indian Affairs has revised the procedures to clarify and simplify the conditions and terms for providing housing assistance and to allow additional flexibility in administering the program. The new procedures will encourage innovation in providing housing assistance to eligible individuals.

EFFECTIVE DATE: April 1, 1998.

FOR FURTHER INFORMATION CONTACT: June Henkel, Division of Housing Assistance, Bureau of Indian Affairs, Department of the Interior, telephone (202) 208–2721.

SUPPLEMENTARY INFORMATION: This final rule is published under authority delegated the Secretary of the Interior to the Assistant Secretary-Indian Affairs in the Departmental Manual at 209 DM 8. This final rule, revising regulations which govern the HIP grant process as codified at 25 CFR part 256, was preceded by the publication of the NPRM in the **Federal Register** on July 15, 1996 (Vol. 61, No. 136, page 36829), with a 60-day comment period, and the Notice of Proposed Transfer of Funds to Tribal Priority Allocations in the **Federal Register** on September 4, 1996 (Vol. 61, No. 172, page 46660), with a 45-day public comment period.

I. Background

Current regulations provide for an emphasis on the repair and renovation of existing housing and for the award of Housing Improvement Program appropriations to Indian tribes based on a distribution formula which uses the current tribal housing inventory of need as its basis. These regulations seek to clarify and simplify the terms and conditions under which the program is operated. A funding distribution methodology was omitted from the proposed regulations based on the intention of identifying a Housing Improvement Program appropriations distribution formula for use in the Tribal Priority Allocation system. Comments received from tribes in that consultation process did not support either of the proposed alternatives.

Limited available appropriations for the program require the continued use of a needs based distribution methodology, viable annual work plans and compliance with the intent of the program. A total of 37 written comments were received from tribes, tribal entities, individuals and Federal agencies. The comments were consolidated and the Department's responses are summarized below. Public comments and subsequent responses are arranged by section of the proposed rule as printed in the **Federal Register** on July 15, 1996.

II. Review of Public Comments

1. *General comment:* The proposed regulations appear to be unduly rigid.

Response: The BIA agrees that the regulations as proposed do not provide a flexible framework for operation of the HIP and that there is too much emphasis on procedures and process-oriented tasks, at the expense of program performance and achievement of program goals. The final regulations are restated in a manner to provide program operational flexibility within defined parameters and to encourage innovative program implementation and methodologies while meeting the policies, objectives and goals of the program.

Section 256.2 Definitions

2. *Comment:* The definition of ''cost effective'' should be included in § 256.2.

Response: The rule has been revised to include the definition of Cost effective means the cost of the project is within the cost limits for the category of assistance and adds sufficient years of service to the dwelling to satisfy the recipient's housing needs well into the future.

3. *Comment:* The definition of ''decent home and suitable living environment'' should be included in § 256.2.

Response: Section 256.2 has not been revised because each servicing housing office will interpret the definition of decent home and suitable living environment on a case by case basis depending on the needs of a specific family.

4. *Comment:* The definition of ''independent trades person'' should be included in § 256.2.

Response: The rule has been revised to include the definition of Independent trades person means any person possessing the ability to perform work in a particular vocation.

5. *Comment:* The definition of ''Indian'' should be included in § 256.2.

Response: The definition of Indian was unintentionally omitted from the definition section of the proposed rule. The rule has been revised to include the definition of Indian means any person who is a member of any of those tribes listed in the **Federal Register** pursuant to 25 CFR part 83, as recognized by and receiving services from the Bureau of Indian Affairs.

6. *Comment:* In § 256.2, add definition for manufactured housing, using the existing definition and descriptions using Housing and Urban Development manuals and regulations to add a clear and approved definition and to aide in defining what is allowable for expenditures for manufactured housing. A related comment suggested the addition of definitions for mobile, manufactured and modular housing.

Response: The rule has not been revised to include the requested definitions for mobile, manufactured and modular housing because housing units under the rule must meet or exceed the definition for ''standard housing'' provided in § 256.2. That definition provides for the general construction of a housing unit, whether manufactured, modular or stick-built, to conform to applicable tribal, county, state or national codes. In the case of manufactured housing, the Housing and Urban Development, regulations, 24 CFR part 3280 applies.

7. *Comment:* In § 256.2, add the definition for ''ownership'' as provided in the current rule, which would also clarify § 256.9 of the rule.

Response: § 256.2 of the rule has not been revised to include a definition for ''ownership'' because the revision clarifying § 256.9 is considered adequate for the rule.

8. Comment: In § 256.2, add the definition for ''permanent members of household'' means adults living in the household that intend to live there continuously from now on and any children defined as a child in this part.

Response: The rule has been revised to include the definition as requested.

9. *Comment:* The definition of ''standard housing'' should be included in § 256.2.

Response: The rule has been revised to include the definition of standard housing means a dwelling in a condition which is decent, safe and sanitary so that it meets the following minimum standards:

(a) General construction conforms to applicable tribal, county, state or national codes and to appropriate building standards for the region;

(b) The heating system has the capacity to maintain a minimum temperature of 68 degrees in the dwelling during the coldest weather in the area. It must be safe to operate and maintain and deliver a uniform distribution of heat;

(c) The plumbing system includes a properly installed system of piping and fixtures;

(d) The electrical system includes wiring and equipment properly installed to safely supply electrical energy for lighting and for the operation of appliances;

(e) Occupants per dwelling do not exceed these limits:

(1) Two-bedroom dwelling: Up to three persons;

(2) Three-bedroom dwelling: Up to six persons;

(3) Four-bedroom dwelling: Adequate for all but the very largest families;

(f) Bedroom size: The first bedroom must have at least 120 square feet of floor space, additional bedrooms must have a minimum of 100 square feet of floor space each;

(g) Two exceptions to standard housing will be permitted:

(1) Where one or more of the utilities are not available and there is no prospect of the utilities becoming available; and

(2) In areas of severe climate, house size may be reduced to meet applicable building standards of that region.

(vii) The house site must be chosen so that access to utilities is most economical, the ingress and egress are adequate and aesthetics and proximity to school bus routes are considered.

10. *Comment:* In § 256.2, add the definition for ''substandard housing means condition(s) exist that threaten the health and/or safety of the occupants.''

Response: § 256.2 of the rule has been revised to include: ''Substandard housing means condition(s) exist that do not meet the definition of standard housing in this part of the rule.

11. *Comment:* The definition of ''applicant'' in § 256.2 should include minor children living with a non-Indian parent. Indian children are being punished by not being allowed to receive Housing Improvement Program assistance.

Response: The definition of applicant has not been revised because once program services are provided under the rule, the recipient is not eligible to receive such services a second time, precluding receipt of housing assistance upon reaching the age of majority. The definition is adequate to identify applicants for the purposes of this rule.

12. *Comment:* The definition of handicapped in § 256.2 should be revised to reflect the definition of ''disabled''.

Response: The definition of handicapped has been revised as requested.

13. *Comment:* The definition of ''household'' in § 256.2 should include the word ''all'' between means and persons, to identify ''all'' persons living with the head of the household and who function as members of a family.

Response: The definition of household has not been revised because the definition is adequate to identify the household members for purposes of this rule.

14. *Comment:* The definition of ''service area'' in § 256.2 should be revised to reflect that the service area is determined by the tribe through tribal resolution and not by the Area Director.

Response: The definition of service area has not been revised because the definition is adequate to identify that ''service area'' is determined by the tribe.

Section 256.3 Policy

15. *Comment:* We believe the national housing policy has been changed to delete the referenced objective. If so, we recommend revising § 256.3(a) of the rule to read: ''The Bureau of Indian Affairs housing policy is that every American family should have the opportunity for a decent home and suitable living environment. To the extent possible, the program will serve the neediest of the needy Indian families.''

Response: Section 256.3(a) of the rule has been revised to delete the referenced objective.

16. *Comment:* Section 256.3(a) of the rule should be revised to replace the words ''neediest of the needy'' with ''eligible HIP applicants'' or ''The program will serve the neediest of the needy Indian families having no other resources for standard housing.''

Response: Section 256.3(a) of the rule has been revised to read: The program will serve the neediest of the needy Indian families who have no other resource for standard housing.

17. *Comment:* Section 256.3(a) of the rule states that to the extent possible, the program will serve the neediest of the needy, however the rule excludes the neediest of the needy who live in substandard mobile homes and/or who do not own their own land. There should be some way to service these people.

Response: Section 256.23 of the rule, as rewritten, clarifies that families living in mobile homes are not excluded from the program. Section 256.23 of the rule, as written, provides for needy families who do not own their own land, but who can obtain a leasehold of the land to participate in the program.

18. *Comment:* Section 256.3(a), (c) and (d) of the rule should be revised to accommodate Pub. L. 93–638 changes. In (d), the formula language should be removed. This could be handled administratively through policy or possibly through statute.

Response: Section 256.3(a) and (c) of the rule have not been revised because Pub. L. 93–683, which provides for tribal operation of the Housing Improvement Program, is codified in section 900 of the rule. Section 256.3(d) of the rule has not been revised because the formula language is removed from the rule.

19. *Comment:* Section 256.3(b) of the rule should be revised to omit the vague and confusing phrase ''provided services can be delivered to the geographic area within which the participant resides.''

Response: Section 256.3(b) of the rule has been revised as requested.

20. *Comment:* Section 256.3(b) of the rule should be revised to note that participation is dependent on need and eligibility regardless of tribal membership.

Response: Section 256.3(b) of the rule has not been revised as requested because the rule establishes that participation in the program is dependent on membership in a Federally recognized Indian tribe and meeting basic program eligibility criteria. Receipt of services under the program is based on priority of need, regardless of tribal affiliation and the rule has been revised to reflect this.

21. *Comment:* Section 256.3(b) of the rule stipulates that every Indian, regardless of tribal affiliation, living on the Pueblo of Laguna Reservation is eligible for Housing Improvement Program services. Section 256.7(b)(1) and (c)(1) and (2) impose the requirement that a participant must own or have leasehold of the home and/or land on which a home is to be constructed. This is in direct conflict with the Pueblo of Laguna Constitution, Article IX, Section 7, Prohibitions on Assignments, which states that ''no assignment shall ever be granted to any person not a member of the Pueblo of Laguna.''

Response: Section 256.3(b) of the rule has not been revised because the intent of the rule is to ensure that all otherwise eligible home/land owners/leaseholders living within the same service area have the same opportunity for participation in and receipt of program services.

Section 256.4 Information Collection

22. *Comment:* The public reporting burden estimate of thirty minutes is too low.

Response: The public reporting burden estimate of thirty minutes has not been revised because the estimate, used for the last six years, received no comments in response to the request for comments concerning the Housing Improvement Program Information Collection, published in the **Federal Register** on February 6, 1997 and is adequate for the reporting requirement.

Section 256.5 What Is the Housing Improvement Program?

23. *Comment:* The phase ''basic building standards'' in § 256.5 of the rule should be replaced with ''standard housing.''

Response: For purposes of consistency with the added definitions of ''standard housing'' and ''substandard housing'' in § 256.2, the rule has been revised to read: ''The Housing Improvement Program provides a grant to fund services to repair, renovate, replace or provide housing for the neediest of the needy Indian families having substandard housing or who are without housing and have no other recourse for assistance.''

24. *Comment:* The answer to What is the Housing Improvement Program in § 256.5 of the rule might be better answered by explaining that it is a construction program, under authority of the Snyder Act and defined by these regulations for the purpose of providing housing assistance to the most needy of the eligible American Indians and Alaska Native People.

Response: Section 256.5 of the rule has not been revised because the program is not a construction program and is considered adequate for the rule.

Section 256.6 Am I Eligible for the Housing Improvement Program?

25. *Comment:* Section 256.6 should include all criteria that would make an applicant ineligible for the program. These include the factors of home ownership and land assignments; the present housing is substandard and was not subsidized with government funds; there is no other resource for housing assistance; and, non-receipt of program assistance including down payment assistance and excluding category A, since October 1, 1986.

Response: Section 256.6 of the rule has been revised to include these paragraphs in § 256.6:

(d) Your present housing is substandard as defined in § 256.2;

(e) You meet the ownership requirements for the assistance needed, as defined in § 256.7;

(f) You have no other resource for housing assistance;

(g) You have not received assistance after October 1, 1986, for repairs and renovation, replacement or housing, or

down payment assistance available before the effective date of this rule; and

(h) You did not acquire your present housing through participation in a Federal government sponsored housing program that includes provision for such assistance.

26. *Comment:* Section 256.6(c) should be modified to provide for the use of tribal, county or state income guidelines.

Response: Section 256.6(c) of the rule has not been revised because the intent of the rule is to establish uniform operating procedures for the national program. Provision for various income guidelines would result in disparate treatment. The use of the Health and Human Services poverty income guidelines is adequate for the purposes of the rule.

27. *Comment:* Several commentators recommend that the annual income level of 125 percent of the Health and Human Services Poverty Income Guidelines specified in § 256.6(c) should be increased to reflect a higher annual income level, making it comparable to the Indian Community Development Block Grant (ICDBG) guidelines.

Response: § 256.6(c) of the rule has not been revised because the intent of the rule is to identify the neediest of the needy and focus the delivery of program services to applicants who cannot qualify for other housing resources.

Section 256.7 What Are the Housing Improvement Program Categories for Which I Am Eligible?

28. *Comment:* Several comments were received concerning the deletion of the down payment assistance category in § 256.7 of the rule, such as the following: Due to the fact that our Tribe does not have a residential reservation, tribal members have no alternative but to purchase fee land in order to provide a home for their families. In the past, the down payment assistance category provided tribal members an opportunity to purchase a safe and sanitary home for their families, whom otherwise would not have had the necessary down payment requested by most mortgage lenders. A number of Tribes have begun to look for down payment assistance in order to make home ownership affordable for low-income tribal members.

Response: We have not restored the down payment assistance category to § 256.7 because its deletion refocuses the intent of the rule, which is to assist homeowners and those without homes, who do not have the resources nor the potential to obtain the resources, to have a standard home. Families who have sufficient financial resources and are able to make mortgage payments fall outside the parameters of the intended program recipients.

29. *Comment:* Although the increase of moneys allowed to be spent on each home allows for more work it will decrease the number of homes we will be able to service. As the funding dollars get smaller and our portion of the pie is smaller, we will be limited to a realistic figure of helping 2 or 3 families per year.

Response: Section 256.7 of the rule provides for needed flexibility within the program to provide for the variation in regional costs and for reaction to increased costs for construction materials and labor and has not been revised. While it is true that the number of families assisted by the program is dependent on the amount of funding available, the cost of the services provided under the program is dependent on the cost of construction materials and labor to provide a standard dwelling. In the past, project cost estimates exceeding program cost limits required that Tribes seek waiver of the program rule in order to provide the required services. Although it is important to provide program services to as many eligible families as possible, it is equally important to ensure that the limited number of families receiving one-time services under the program are provided thorough and quality services, regardless of cost, resulting in long-term benefit to the family. Elimination of the cost limit does not mean that more moneys can be spent on a category C project for the purpose of providing the recipient family with a dwelling which exceeds one for which they qualify or which exceeds the definition of a modest, standard dwelling. The amount of funding appropriated by Congress for the program can increase or decrease in the future depending on tribally-defined priorities.

30. *Comment:* Section 256.7 of the rule poses a misleading question for the offered response and should be restated to reflect what housing services are available under the Housing Improvement Program.

Response: Section 256.7 of the rule has been revised to read: What housing services are available under the Housing Improvement Program? We have revised § 256.7 to make it an overview of the assistance categories. Details of how to qualify for each category of assistance are now contained in §§ 256.8 through 256.11. This arrangement allows for a clearer explanation of the qualification criteria.

31. *Comment:* The cost limitations in § 256.7 of the rule need to be increased. Over the past few years, building materials have been hit by inflation harder than any other category. This is especially true for lumber. Combined with the fact that most reservations are located in rural areas, it is obvious that cost limitations must be watched closely.

Response: Section 256.8 (formerly § 256.7) has not been revised because the rule as written accommodates increased costs for materials and labor for two of the three project categories and is considered adequate for the rule. The BIA agrees that such costs must be watched closely and revisions made, as necessary.

32. *Comment:* The word ''are'' in § 256.7(a) of the rule should be revised to ''may'' resulting in eliminating the assumption of eligibility for this assistance.

Response: Section 256.8 (formerly § 256.7(a)) has been revised to clarify the rule and further explain the circumstances for receipt of this assistance.

33. *Comment:* Section 256.7(a) of the rule should be changed to better define the circumstances when the category of assistance should be used. Specifically, the commentator suggests that the rule be changed to include the conditions: That it is not cost effective to renovate the dwelling; that there is another resource which would meet the housing need but it is not immediately available; or, there are no other available resources other than the Housing Improvement Program, but there are no available funds to replace your house.

Response: Section 256.8 (formerly § 256.7(a)) of the rule has been revised to provide clarification and more explicit guidance for the purpose and use of this category of assistance.

34. *Comment:* Several commentators recommend that the funding limit of $2,500 in § 256.7(a) of the rule be increased to $5,000 to allow for meeting current cost increases and geographic location should not be cause to disqualify a person from having a decent home.

Response: Section 256.8 (formerly § 256.7(a)) retains the $2,500 limit because it is the intent of the rule to provide short-term relief from conditions that are a hazard to the safety and health of the recipient, who anticipates obtaining standard housing in the near future. In cases requiring repairs that exceed the $2,500 limit, obtaining other resources or requesting a waiver of this rule may remedy the situation.

35. *Comment:* Several commentators recommend the cost limit of $35,000 for housing repairs and improvements in

§ 256.7(b) of the rule should be increased to $45,000.

Response: We have retained the $35,000 limit because it provides an increase of $15,000, or 75 percent of the former category cost limitation, and is considered adequate for the rule. The BIA will monitor category b project costs to ensure the cost limitation remains adequate for the rule.

36. *Comment:* Section 256.7(b)(1) of the rule requires that the applicant be ''the owner of the dwelling'' and needs to include provision for the applicant with a leasehold, of not less than 10 years.

Response: Section 256.9(b) (which replaces § 256.7(b)(1)) has been revised to read:

(b) You must either:

(1) Own the house; or

(2) Lease the house with:

(1) An undivided leasehold (i.e., you are the only lessee); and

(ii) The leasehold will last at least 25 years from the date that you receive the assistance;'

37. *Comment:* Section 256.7(b)(2) of the rule should emphasize inclusion of ''applicable building and energy code standards'' and ''applicable building code standards'' should be defined.

Response: We have not revised this provision (now located at § 256.9(c)) because the phrase ''building code standards'' encompasses energy code standards, which typically are climate dependent and, as written, provides sufficient emphasis on building code standards and is adequate for the rule. ''Applicable building code standards'' can be tribal, local, state and/or national code standards and it is the responsibility of the servicing housing office to have knowledge of and determine which standards are applicable.

38. *Comment:* Section 256.7(b)(3) of the rule provides that if the dwelling is sold within 5 years of the date of completion of the repairs, the grant will be voided and repayment of the full cost of repairs will be made to the Bureau of Indian Affairs. The rule does not address payment to the tribal housing office when services have been provided by the tribe under a Pub. L. 93–638 contract or self-governance compact and the grant is voided. This needs to be consistent throughout the rule.

Response: We have not revised this provision (now located at § 256.9(d)(2)) because the tribe has already received and expended the funding that is being recaptured by the federal government. The funding will be redistributed for use in the Housing Improvement Program, using applicable federal guidelines, to one or more eligible Tribes within the recapturing area.

39. *Comment:* Section 256.7(b)(3) of the rule should be revised to include a specified time frame for occupying the dwelling once construction is completed.

Response: We have not revised this provision (now located at § 256.9(d)(2)) because the issue of where an individual Indian lives is outside the scope of the rule. Indeed, such a rule would be contradictory to the intent of the Federal government to emphasize and support tribal sovereignty.

40. *Comment:* Is the payback revision in § 256.7(b)(3) of the rule ''if sold within 5 years of repairs'' very realistic or fair? Would a timeframe of 2–3 years be more appropriate or would a payback based on some objective measure of increased value which actually resulted in cash return to the client be more appropriate?

Response: We have not revised this provision (now in § 256.9(d)(2)) because the intent of the rule is to provide protection for the homeowner and the Federal government and to prevent avenues for windfall profits or unwarranted improvements to substandard housing and is considered adequate for the rule.

41. *Comment:* In § 256.7(b)(3) of the rule, change the amount of time for the grant agreement to 10 years with the full amount due for the first five years and the last five years prorated.

Response: We have not revised the timeframe (now in § 256.9(d)(2)) because the current agreement is considered adequate for the rule.

42. *Comment:* The use of the word ''modest'' in § 256.7(c) provides the opportunity for potential misuse of funds and requires further clarification.

Response: Further clarification of the term ''modest'' (now used in the table in § 256.7) can be found in the definition for standard housing in § 256.2.

43. *Comment:* To maintain continuity and avoid confusion, § 256.7(c) of the rule should be revised to read: ''Category C—down payment assistance is eliminated.'' Then, Category D should be added as § 256.7(d).

Response: To avoid confusion, the following descriptors have been added: interim improvements, repairs and renovation, and replacement housing, to §§ 256.7–256.11.

44. *Comment:* In § 256.7(c) of the rule, what is the dollar limit for a modest replacement home?

Response: Section 256.7(c) of the rule does not specify a dollar limitation for a modest replacement home. Use of a specific cost limit for use throughout Indian Country has proven unrealistic because the costs for construction of similar dwellings in different parts of the country vary significantly due to varying costs of building materials and labor. The rule provides the required flexibility needed by each servicing housing office to determine and contain the cost of a modest home, based on its square footage and local or regional building materials and labor costs.

45. *Comment:* Several commentaries concerned elimination of the Occupancy and Square Footage Chart (Table A) in § 256.7(c) of the rule to provide more flexibility in program administration and because the square footage requirements are too restrictive.

Response: We have retained the table, now located in § 256.11, because the rule as written provides adequate program administration flexibility through unrestricted cost limitations, while providing for a modest dwelling as defined by the parameters of the occupancy and square footage chart.

46. *Comment:* Would like to see a cost limit and consideration for family composition in § 256.7(c) of the rule, since the square footage chart is not adequate for a family of four, consisting of a husband, wife, one female child and one male child.

Response: Table A, now located in § 256.11, has been revised to accommodate this family composition.

47. *Comment:* The phrase ''in which you are living'' should be deleted from § 256.7(c)(1) of the rule since some dwellings are in such condition as to be unsuitable for occupancy or the rule should be modified to address the issue.

Response: This provision, now located in § 256.10(a), has not been revised because it is the intent of the rule to ensure delivery of program services to applicants with no other recourse for housing assistance.

48. *Comment:* Suggest that § 256.7(c)(1) of the rule be revised to provide that the term of the leasehold interest is not less than 25 years at the time of receipt of assistance.

Response: We have revised this provision, now located in the table in § 256.10, to read as follows:

If you	And	And
Lease the house in which you live.	Your leasehold is undivided and for not less than 25 years at the time that you receive assistance.	The house cannot be brought up to applicable building code standards within the Category B cost limit.

We have also made a corresponding revision to the same table for another provision formerly in § 256.7(c). It now reads as follows:

If you * * *	And * * *	And * * *
Do not own a house	Have a leasehold on land that is suitable for housing and the leasehold is undivided and for not less than 25 years at the time that you receive assistance.	The land has adequate ingress and egress rights.

49. *Comment:* Recommend that § 256.7(c)(3) of the rule is revised to include procedures for repayment, as when a participant sells a home within the timeframe requiring repayment, to clarify roles and responsibilities.

Response: This provision, now located in § 256.10(b) has not been revised because the procedure is outside the scope of this rule. The servicing housing office has a responsibility to be familiar with applicable tribal or federal government procedures for recapturing funds.

50. *Comment:* In § 256.7(c)(3) of the rule, when a beneficiary inherits the home within the 10 years, and does not live in the home, but rents the home, is the renting of the home subject to repayment or considered the same as selling the home?

Response: This provision, now located in § 256.10(b), does not require repayment when a beneficiary inherits the home nor does inheritance of the home constitute the sale of the home. Repayment only becomes an issue when the home is sold.

Section 256.8 Who Administers the Housing Improvement Program?

51. *Comment:* In § 256.8 of the rule, the designation of the ''servicing housing office'' as the entity administering the program in the service area is not acceptable as it does not provide for tribal operation of the program under a Pub. L. 93–638 contract or a self-governance annual funding agreement.

Response: Section 256.12 (which replaces § 256.8) has been revised to clarify that the ''servicing housing office,'' a generic description of the servicing entity, provides for a Tribe or the Bureau to operate the Housing Improvement Program.

Section 256.9 How do I Apply for the Housing Improvement Program?

52. *Comment:* Section 256.9(e) of the rule should be revised to reflect that proof of income must be provided from all ''permanent'' members of the household as defined in § 256.2.

Response: Section 256.13(e) (formerly § 256.9(e)) of the rule has been revised as requested.

53. *Comment:* Section 256.9(e)(1) of the rule requires submission of signed copies of current 1040 tax returns from all members of the household, but the IRS does not require filing if you make less than $2,500.

Response: Section 256.13(e)(3) (formerly § 256.9(e)(3)) provides for the submission of a signed, notarized statement explaining why a tax return was not filed and is sufficient for the rule.

54. *Comment:* Section 256.9(e)(2) of the rule also should include provision for income received from Bureau of Indian Affairs, General Assistance programs, operated by Tribes through Pub. L. 93–638 contract and Self-governance annual funding agreements.

Response: Section 256.13(e)(2) (formerly § 256.9(e)(2) has been revised as requested.

55. *Comment:* Section 256.9(e)(3) of the rule should provide for submission of a statement for household members over the age of 18. Coordinators should have the option to request additional information for dependent children, depending on the household situation, without having the applicant get verification from all family members, ages 0 through 18 years.

Response: Section 256.13(e)(3) (formerly § 256.9(e)(3)) has not been revised because the intent is to identify the income of the household, including dependent children. A statement signed by the head of household regarding income of dependent children is considered adequate for the rule.

56. *Comment:* In § 256.9(f) of the rule, how long a period of time should the statement cover?

Response: Section 256.13(f) (formerly § 256.9(f)) has been revised to specify an annual trust income statement or a statement that there is no account.

57. *Comment:* In § 256.9(g) and § 256.9(g)(1) of the rule, the terms ''sole possessory interest'' and ''exclusive possessory agreement'' are confusing. The attachment to the application has a section titled ''Item E—Land Information,'' which explains various land status descriptions. These definitions seem a more concise, detailed explanation for land status terms and should be reflected in the rule.

Response: Section 256.13(g) (which replaces § 256.9(g)) has been revised to read: ''Seventh, you must provide proof of ownership of the residence and/or land:

(1) For fee patent property, you must provide a copy of a fully executed Warranty Deed, which is available at your county court house; or

(2) For trust property, you must provide a copy of certification from your home agency;

(3) For tribally-owned land, you must provide a copy of a properly executed tribal assignment that has been certified by the agency; or

(4) For multi-owner property, you must provide a copy of a properly executed lease.''

58. *Comment:* Section 256.9(g)(4) of the rule provides that ''For multi-owner property, you must provide a copy of a properly executed lease for not less than twenty-five (25) years.'' This results in inconsistency with the payback timeframes for each category.

Response: Section 256.13(g)(4) (which replaces § 256.9(g)(4)) has not been revised because the payback and lease timeframes are not related. The length of the lease provides assurance that the family receiving the Federal assistance, upon taking possession of the dwelling, will have not less than 25 years of use of the dwelling.

59. *Comment:* Section 256.9(h) of the rule requiring the applicant to obtain a copy of the flood plain map is inappropriate. The delivery of program services to dwellings located in an area having special flood hazards is dependent on the applicant obtaining flood insurance. Therefore, the servicing housing office should have appropriate

access to the flood insurance rate map(s) (FIRMs) associated with its servicing area and be responsible for determining whether the dwelling is located in such an area and for notifying the applicant, when appropriate, that flood insurance must be obtained.

Response: The Bureau agrees and has removed § 256.9(h), § 256.9(h)(1), § 256.9(h)(2) of the rule and revised § 256.14, accordingly.

Section 256.10 What are the steps that must be taken to process my application for the Housing Improvement Program?

60. *Comment:* Section 256.10 of the rule should specify that the tribe should be fully involved in the application, prioritization and decision making process. This section should also include the addition of the Housing Improvement Program Committee and an explanation of their responsibilities in rating and ranking applications.

Response: Section 256.14 (which replaces § 256.10) has not been revised as the commentor suggested because it is the responsibility of the servicing housing office to develop the list of applications considered and/or received for that program year and, based on evaluation of the neediness of the applicant, to develop the priority list of families that will receive Housing Improvement Program services for the program year. However, we note that under § 256.12(a) (formerly § 256.8(a)) a Tribe pursuant to a Self-governance annual funding agreement or Self-determination contract can operate the Housing Improvement Program.

61. *Comment:* Section 256.10 of the rule should be revised to include a requirement that the servicing housing office verify the availability/feasibility of water and wastewater facilities for each site prior to issuing the ''Priority List''. Coordination between the Indian Health Service and the Bureau of Indian Affairs is extremely important to ensure that homes will not be built at locations that cannot be provided essential health-related facilities.

Response: Section 256.14 (which replaces § 256.10) has not been revised as suggested because the definition for standard housing, in § 256.2 of the rule has provision for two exceptions to standard housing, including the absence of one or more utilities where there is no prospect of the utilities becoming available. However, § 256.16 (formerly § 256.12) has been revised to include provision for communication and coordination between the servicing housing office and the organization responsible for verifying the availability/feasibility for water and wastewater facilities.

62. *Comment:* Section 256.10(a) of the rule should be revised to allow the servicing housing office to determine whether to return an incomplete application and to establish a deadline date by which the application must be completed.

Response: We have revised § 256.14(a) (which replaces § 256.10(a)) as requested.

63. *Comment:* Section 256.10(b)(1) of the rule should be revised to correspond with the official records schedule, which does not address the retention of ineligible applicant files. It is suggested that all ineligible applications and supporting documentation be returned to the applicants upon determination of ineligibility and that those applications not be used to develop workload and housing needs assessments.

Response: Section 256.14(b)(1) (which replaces § 256.10(b)(1)) has been revised to eliminate the use of these applications to develop workload and housing needs assessments. Applications will be handled in accordance with the official records schedule.

64. *Comment:* Section 256.10(b)(2) of the rule, Table B, Priority Ranking Factors, should be revised to provide additional points for ''aged persons'' to ensure that single, fixed-income elderly applicants are awarded sufficient points for priority placement on the priority list.

Response: Section 256.14(b)(2) (which replaces § 256.10(b)(2)) has not been revised because the ranking factors as provided in the rule is adequate to provide priority ranking for low-income and aged applicants.

65. *Comment:* Section 256.10(b)(2) of the rule, Table B, Priority Ranking Factors, Ranking Factor 3, should be revised to require only one document to establish a condition of disability to reduce the burden to the applicant.

Response: Table B, which is now located in § 256.14(b)(2), has not been revised because the Bureau of Indian Affairs does not issue its own statement of disability condition for purposes of this grant program. The requirement to provide two independent statements of condition of disability for determination of point award for this ranking factor is considered adequate for the rule.

66. *Comment:* Section 256.10(d) of the rule should be revised to specify that the servicing housing office will develop a list of all applicants for the program year and provide a status of the application. In addition, the rule should be revised to specify that ''In the case of a tie, the family with the lower income will be 'listed' first, since it is not known whether funding is available to provide Housing Improvement Program services.''

Response: We have revised § 256.14(c) (which replaces § 256.10(d)) as requested and in response to the general comment to make the rule more flexible and less procedural.

67. *Comment:* Section 256.10(e) of the rule should be revised to provide for the ''Inventory of Housing Improvement Program Applicants (IOHA).'' The suggested LEHIPA is only a list of eligible applicants. The preferred inventory is a complete listing of all applications taken for that program year and their status, providing a good program audit trail. Additionally, the rule should provide for comparison of the IOHA to the amount of funds available for project construction, since some Tribes must use a portion of the program funding to help cover administrative costs. Those applicants that will be served are considered the current Priority List.

Response: Section 256.14(c)(4) (formerly § 256.10(e)) has been revised to provide for the suggested listing, elimination of the LEHIPA, and comparison to available funding and in response to the general comment to make the rule more flexible and less procedural.

68. *Comment:* Section 256.10(e) of the rule should be revised to specify that the servicing housing office will research and develop only those projects on the priority list that stand a good chance of being funded.

Response: Section 256.14(c)(4) (formerly § 256.10(e)) has been revised to identify that cost estimates will be provided for eligible applicants and in response to the general comment to make the rule more flexible and less procedural.

69. *Comment:* Section 256.10(g) of the rule should be revised to require that applications for the program are updated annually. While it may be convenient to request that an applicant merely submit a letter confirming that their application is still accurate, interested applicants should be required to reapply each funding year in order to receive assistance. An annual system of updating applications seems to provide accurate, updated information from all sources and ensures that eligibility is sustained. This will ensure that the program remains up-to-date, accurate and fair to all. However, the rule should be sufficiently flexible to afford Tribes the option to determine if and when applications are carried over, for not more than one year, once they have been through the prioritization process to accommodate extenuating circumstances.

Response: Section 256.14(d)(2) (which replaces § 256.10(g)) has been revised to accommodate annual updating of applications with a one year carryover option, and in response to the general comment to make the rule more flexible and less procedural. Accordingly, § 256.10(h) of the rule is now found in § 256.14(e) of the rule.

70. *Comment:* Section 256.10(g)(3) of the rule is vague and should be revised to specify when an application ''must'' be updated.

Response: Section 256.10(d)(2) (which replaces § 256.10(g)(3)) has been revised as requested and in response to the general comment to make the rule more flexible and less procedural. Accordingly, § 256.10(h) of the rule is now found in § 256.14(e) of the rule.

71. *Comment:* Section 256.10(h) of the rule should be revised to provide information on where servicing housing offices are to submit their annual reports and to whom the reports should be submitted in the case of for Pub. L. 93–638 contracting and self-governance annual funding agreement Tribes.

Response: Section 256.14(e) (which replaces § 256.10(h)) of the rule has been revised to identify that annual reports are submitted to the servicing area office and in response to the general comment to make the rule more flexible and less procedural. The general designation of servicing area office is used to accommodate area specific procedures for receiving annual reports from Tribes.

Section 256.11 How Long Will I Have to Wait for the Improvement, Repair, or Replacement of my Dwelling to be Done?

72. *Comment:* Section 256.11 of the rule should be revised to include: (1) Availability of a contractor; (2) position on the priority list as two additional factors that affect the length of time that it takes to accomplish the work project.

Response: Section 256.15 (which replaces § 256.11) has been revised to include the requested factors.

73. *Comment:* Section 256.11 of the rule should be revised to include ''other extenuating circumstances'' or '' other unforeseen factors'' to more accurately depict actuality.

Response: Section 256.15 (which replaces § 256.11) has been revised to include (f) Other unforeseen circumstances.

Section 256.12 Who is Responsible for Identifying What Work Will Be Done on my Dwelling?

74. *Comment:* Section 256.12 of the rule should be revised to include provision for consultation with the homeowner.

Response: Section 256.16 (which replaces § 256.12) has not been revised because it is the responsibility of the servicing housing office to identify the work required to provide a dwelling which meets the definition of standard housing, as identified in § 256.2 of the rule, and to communicate this information to the homeowner.

Section 256.13 What Will the Servicing Housing Office do to Identify What Work is to be Done on my Dwelling?

75. *Comment:* How can a tribe with a limited amount of funding available for administration and operation of the program be expected to have the necessary funding needed to perform the activities identified in § 256.13 of the rule?

Response: Section 256.17 (which replaces § 256.13) identifies what activities must be performed to ensure that the objectives of the Housing Improvement Program are met. It is incumbent on the servicing organization to ensure that there are adequate resources for the administration and conduct of the program.

76. *Comment:* Section 256.13 of the rule refers to a trained and qualified representative from the servicing housing office. Who determines what the qualifications and training needs of the housing representative are?

Response: Section 256.17 (which replaces § 256.13) does not specify what the qualifications and training needs of the housing representative are because it is outside the function of the Housing Improvement Program. Federal government employees must meet or exceed the qualifications, education, and/or training requirements established for the position. The hiring organization is responsible for assessing the qualifications and/or training needs of its housing representative(s) to ensure adequate operation of the Housing Improvement Program.

77. *Comment:* Section 256.13(c) of the rule requires that the representative approve dwellings estimated to require $35,000 or more in repairs for replacement. The rule should be revised to provide some flexibility for cases where the cost estimate only exceeds the $35,000 limit by a small percentage.

Response: Section 256.17(c) (which replaces § 256.13(c)) of the rule has not been revised because the intent is to ensure that services provided under the program are not curtailed due to costs and will result in a dwelling that is completely repaired or replaced and to the extent possible, a home which will meet the long term needs of the recipient.

78. *Comment:* Section 256.13(c) of the rule should be revised to emphasize that program services are to provide standard housing, which is not limited to replacement housing and includes referral to other housing resources. Beginning with the second sentence, revise the rule to read: ''If the estimated cost to repair your dwelling is $35,000 or more, the representative must approve your dwelling for replacement or may refer you to another housing source. The other source does not have to be for a replacement home, it may be for government subsidized rental units.''

Response: Section 256.17(c) (which replaces § 256.13(c)) has been revised beginning with the second sentence to read: ''If the estimated cost to replace your dwelling is $35,000 or more, the representative must approve your dwelling for replacement or refer you to another source for housing. The other source does not have to be for a replacement home; it may be for government subsidized rental units or other sources for standard housing.

79. *Comment:* Section 256.13(d)(1) of the rule requires compliance with the occupancy and square footage criteria in Table A of the rule. The servicing housing office and tribe should be allowed to determine the square footage of each dwelling based on available funds and not be limited to the criteria in Table A.

Response: Section 256.17(d)(1) (formerly § 256.13(d)(1)) has not been revised because the criteria identified in Table A, now in § 256.11 of the rule, provides the parameters for the modest dwelling which may be provided to the recipient of the Housing Improvement Program grant and is considered adequate for the rule.

Section 256.14 How Will I Be Advised of What Work is To Be Done?

Section 256.18 replaces § 256.14. No comments were received.

Section 256.15 Who Performs the Improvements, Repairs, or Replacement of My Dwelling?

80. *Comment:* Section 256.15 should include provision for tribal construction companies and tribal ''force account'' construction. What if an eligible applicant is an unemployed carpenter or other skilled craftsman?

Response: Section 256.19 (which replaces § 256.15) has been revised to include provision for tribal repair and construction trades persons, tribal home building contractors and tribal construction companies. The rule does not preclude use of a ''force account.''

Section 256.20 of the rule is revised accordingly.

Section 256.16 How Are These Repairs or Construction Trades Persons, Home Building Contractors or Construction Companies Selected and Paid?

81. *Comment:* Section 256.16 of the rule should provide for bidder advertisement and selection by a Bureau approved tribal procurement policy.

Response: Section 256.20 (which replaces § 256.16) has been revised to include provision for Federal procurement and other Bureau approved tribal procurement policy.

82. *Comment:* Section 256.16 of the rule should be revised to clarify that the appropriate contracting office selects the winning bidder, after technical review by and written recommendation from the servicing housing office, and after determination that the bidder is qualified and capable of completing the project.

Response: Section 256.20 (which replaces § 256.16) has been revised to provide clarification that the appropriate contracting office selects the winning bidder.

83. *Comment:* Section 256.16(d)(2) of the rule provides that final payment will be made to the contractor after the final inspection and after all provisions of the contract have been met, including punch-up items. This phrase ''punch-up items'' should be replaced with ''punch list.''

Response: Section 256.20(d)(2) (which replaces § 256.16(d)(2)) has been revised as requested.

Section 256.17 Will I Have To Vacate My Dwelling While Repair Work or Replacement of My Dwelling Is Being Done?

84. *Comment:* In § 256.17 of the rule, there should be some provision to assist families with relocation, assuming that we will serve the neediest of the neediest.

Response: Section 256.21 (which replaces § 256.17) has not been revised because the funding appropriated for the program is provided for the needed repairs and replacement of housing and does not provide for this type of assistance. Regretfully, these temporary relocation costs must be defined as the participant's responsibility. We suggest that other sources for this assistance be pursued.

Section 256.18 How Can I Be Sure That the Work That Is Being Done on My Dwelling Meets Minimum Construction Standards?

85. *Comment:* The phrase ''applicable minimum construction standards'' in § 256.18(a) of the rule should be revised to read: ''applicable building codes'', to provide one definitive phase used throughout the rule.

Response: Section 256.22(a) (which replaces § 256.18(a)) has not been revised because the terms are not inclusive.

86. *Comment:* Section 256.18(b) of the rule delineating inspections at specific stages of construction should be omitted and reference should be made to the ''applicable building code regulations'' for new construction.

Response: Section 256.22 (which replaces § 256.18(b)) of the rule has not been revised because it provides a necessary and flexible framework for the servicing housing office to schedule one or more inspections based on the scope of the project, as well as providing direction for three specific instances when an inspection is mandatory.

87. *Comment:* Section 256.18(b) of the rule should be revised to include the usual inspections required as per building codes, such as: (1) Foundation; (2) Concrete slab or under-floor; (3) Plumbing, mechanical and electrical; (4) Frame and masonry; (5) Insulation and vapor barrier; (6) Lath and/or wallboard; (7) Other: The servicing housing office may require any other inspection to ascertain compliance with the building code; and, (8) Final.

Response: Section 256.22 (which replaces § 256.18(b)) has not been revised because it provides a necessary and flexible framework for the servicing housing office to schedule one or more inspections based on the scope of the project, as well as providing direction for three specific instances when an inspection is mandatory.

88. *Comment:* Section 256.18(b) of the rule should be revised to read: ''Inspections under categories A, B, and C will be made as needed to ensure that applicable minimum construction standards and building codes are applied.''

Response: We have not revised § 256.22(b) (formerly § 256.18(b)) because the purpose for review of the construction in § 256.22(a) (formerly § 256.18(a)) is considered adequate for the rule.

Section 256.19 How Will I Be Advised That the Repair Work or Replacement of My Dwelling Has Been Completed?

89. *Comment:* Section 256.19 of the rule requires the servicing housing office to notify the Housing Improvement Program recipient, in writing, that work on the project has been completed. To cut down on paperwork, a phone call would suffice.

Response: Section 256.23 (which replaces § 256.19) has not been revised because written communication is recognized as an appropriate means of official notification. A copy of the notice signed by the recipient also provides the servicing housing office with acknowledgment of receipt of the notice. The requirement to provide a written notification does not preclude additional communication with the recipient regarding the status of the work project.

Section 256.20 How Many Times Can I Receive Improvements, Repairs, or Replacement Services Under the Housing Improvement Program?

90. *Comment:* Section 256.20(b) of the rule should be revised to change October 1, 1986 to October 1, 1990.

Response: Section 256.24(b) (which replaces § 256.20(b)) has not been revised because the specified date corresponds with the congressionally mandated redirection of the program.

Section 256.21 Will I Need Flood Insurance?

91. *Comment:* Based on the fact that we are serving the ''neediest of the needy'', we question whether any of our participants would be able to afford flood insurance, as specified in § 256.21 of the rule. It is very difficult and expensive to obtain home insurance on our reservation due to land issues.

Response: Section 256.25 (which replaces § 256.21) has not been revised because Pub. L. 93–234, as amended, 87 Stat. 975, prohibits the expenditure of Federal funds for any purpose in an area identified as having special flood hazards, unless there is adequate flood insurance.

92. *Comment:* In § 256.21 of the rule, who may waive the requirement for flood insurance if the grantee cannot afford it? Also, the rule does not explain that a house should be raised above the flood plain when circumstances permit.

Response: The Pub. L. 93–234, as amended, prohibition cannot be waived. The servicing housing office is responsible for knowledge of applicable building standards.

93. *Comment:* Section 256.21, How long should the homeowner keep flood insurance in effect?

Response: Section 256.25 (which replaces § 256.21) does not specify the length of time that the flood insurance should be kept in effect because it is outside the authority of the rule. However, the servicing housing office should be familiar with and able to advise applicants of the specific requirements under the Flood Protection Act of 1973.

Section 256.22 Is my Federal Government-Assisted Dwelling Eligible for Services Under the Housing Improvement Program?

94. *Comment:* We oppose § 256.22 of the rule excluding repairs being made to homes that were purchased with ''Government subsidized funds''. Most housing on Indian reservations is purchased through federally subsidized programs sponsored by the Departments of Agriculture, Housing and Urban Development, and Veterans Affairs. Over time these homes may become substandard and neither the home nor the owner may be eligible for other housing assistance programs.

Response: Section 256.26 (which replaces § 256.22) has been revised to exclude only those homes purchased through Federal government-sponsored home programs for which other housing assistance is available.

95. *Comment:* Section 256.22 of the rule appears to make Housing and Urban Development owned housing ineligible for the Housing Improvement Program. The rule should be revised to include such homes in the program or to provide exceptions for the older, substandard Housing and Urban Development housing that is not eligible for any other housing assistance programs, or when the home has been paid-off, is under new ownership and the new owner otherwise qualifies for the Housing Improvement Program.

Response: Section 256.26 (which replaces § 256.22), as revised, excludes homes purchased through Federal government sponsored home programs for which other housing assistance is available. Housing and Urban Development owned housing is eligible for housing assistance through tribally designed housing programs under Pub. L. 104–330, Native American Housing Assistance and Self-Determination Act of 1996.

Section 256.23 Are Mobile Homes Eligible for Services Under the Housing Improvement Program?

96. *Comment:* Section 256.23 of the rule excludes services to applicants with a mobile home, but these are the dwellings that often have the health and safety deficiencies and eventually require replacement.

Response: Section 256.27 (which replaces § 256.23) is not intended to exclude applicants living in a mobile home from participation in the program, but is intended to eliminate repairs and renovations to mobile units. Typically, these repairs and renovations do not meet the definition of cost effective, as defined in § 256.2 of the rule. The rule has been revised to focus the question on the services available to the eligible applicant and has been revised to read:

''§ 256.27 Can I receive Housing Improvement Program services if I am living in a mobile home? Yes. If you meet the eligibility criteria in § 256.6 of the rule and there is sufficient funding available, you can receive any of the Housing Improvement Program services as identified in § 256.7, except that if you require Category B services and your mobile home has exterior walls of less than three inches, you must be provided Category C services.''

97. *Comment:* Section 256.23 of the rule specifies that mobile, or modular homes are no longer eligible for assistance under the revised regulations. Manufactured housing, including mobile homes, which are required to meet Department of Housing and Urban Development building code standards in 24 CFR part 3280, should be included in the services provided under the Housing Improvement Program. The rule should be revised to provide for manufactured housing, including modular homes, with the axles and tongue removed and installed on a concrete foundation.

Response: Many comments were received concerning § 256.23 of the rule. The majority of these comments opposed the exclusion of mobile homes from the Housing Improvement Program. The rule, now in § 256.27, as revised, addresses the eligibility of applicants living in a mobile home and clarifies which services cannot be provided to sub-standard mobile homes. Section 256.2 of the rule, as revised to include the definition for standard housing, satisfies the comments for provision for manufactured housing, including modular housing, when that housing meets the definition of standard housing. Practically, this includes, but is not limited to: the manufactured housing meeting Department of Housing and Urban Development building code standards in 24 CFR part 3280; that the axles and tongue are removed; and, that the unit is installed on a concrete foundation.

Section 256.24 Can Housing Improvement Program Resources Be Supplemented With Other Available Resources?

98. *Comment:* Section 256.24 of the rule should be revised to read: ''Yes. Housing Improvement Program resources may be supplemented through other available resources to increase the number of Housing Improvement Program recipients.''

Response: Section 256.28 (which replaces § 256.24) has been revised as requested.

99. *Comment:* Sections 256.24(a) and 256.24(b) of the rule should be deleted to enable the servicing housing office to determine if supplemental funds can be used to exceed the Housing Improvement Program limits in order to meet the needs of the recipient.

Response: Sections 256.24(a) and § 256.24(b) of the rule have been omitted as requested. However, § 256.28, as revised in response to the previous comment, restricts any increase in resources for the purpose of increasing the number of Housing Improvement Program recipients. This restriction is to ensure that the improvements, repairs, renovations, replacements and housing provided under the program can not be construed to be extravagant or unnecessary, while offering these services to as many eligible recipients as possible. If additional resources are available to exceed program limits, the tribe may wish to establish an entirely separate tribal housing program, that does not use Housing Improvement Program funding, and therefore does not need to adhere to the rules of the Housing Improvement Program.

III. Findings and Certifications

The major purpose of the revision has been to provide simplified administrative guidelines and to make the program more flexible and responsive to the needs of tribes and the intended recipients of the program.

The Department of the Interior has certified to the Office of Management and Budget (OMB) that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

This rule is not a significant regulatory action under Executive Order 12866, and therefore will not be review by the Office of Management and Budget.

In accordance with Executive Order 12630, the Department of the Interior has determined that this rule does not have significant takings implications.

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Department of the Interior has determined that this rule does not have significant federalism effects.

The Office of Management and Budget has approved the information collection requirements in part 256 under 44 U.S.C. 3507 *et seq.* and assigned control number 1076–0084. The information is collected to determine applicant eligibility for services and eligibility to participate in the program based on the

criteria referenced in § 256.10 and in Table B. The public reporting burden for this form is estimated to average 30 minutes per response, including the time for reviewing the instructions, gathering and maintaining data, and completing and reviewing the form. Comments concerning the accuracy of the burden estimate and suggestions for reducing the burden should be directed to the Bureau of Indian Affairs, Information Collection Clearance Officer, MS 4140–MIB, 1849 C Street, N.W., Washington, DC 20420, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503. Response is required to obtain a benefit under 25 CFR part 256. The information is confidential and protected under The Privacy Act of 1974, 5 U.S.C. 522a, as amended, and for use only in conjunction with official U.S. government business relating to the Housing Improvement Program. Applicants are informed of the necessity to provide the confidential information and must sign a written Privacy Act statement, which authorizes the use of the information. A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The Department of the Interior has determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

The primary author of this document is Ms. June Henkel, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, Washington, DC.

List of Subjects in 25 CFR Part 256

Indians; Indian—housing.

For the reasons set forth in the preamble, part 256 of Title 25, Chapter I of the Code of Federal Regulations is revised as set forth below.

PART 256—HOUSING IMPROVEMENT PROGRAM

Sec.

Authority: 25 U.S.C. 13

§ 256.1 Purpose.

The purpose of the part is to define the terms and conditions under which assistance is given to Indians under the Housing Improvement Program (HIP).

§ 256.2 Definitions.

As used in this part 256:

Agency means the current organizational unit of the Bureau that provides direct services to the governing body or bodies and members of one or more specified Indian tribes.

Appeal means a written request for review of an action or the inaction of an official of the Bureau of Indian Affairs that is claimed to adversely affect the interested party making the request, as provided in part 2 of this chapter.

Applicant means an individual or persons on whose behalf an application for services has been made under this part.

Area Director means the officer in charge of a Bureau of Indian Affairs area office, or his/her authorized delegate.

Bureau means the Bureau of Indian Affairs.

Child means a person under the age of 18 or such other age of majority as is established for purposes of parental support by tribal or state law (if any) applicable to the person at his or her residence, except that no other person who has been emancipated by marriage can be deemed a child.

Cost effective means the cost of the project is within the cost limits for the category of assistance and adds sufficient years of service to the dwelling to satisfy the recipient's housing needs well into the future.

Disabled means legally blind; legally deaf; lack of or inability to use one or more limbs; chair or bed bound; inability to walk without crutches or walker; mental disability in an adult of a severity that requires a companion to aid in basic needs, such as dressing, preparing food, etc.; or severe heart and/or respiratory problems preventing even minor exertion.

Family means one or more persons maintaining a household.

Household means persons living with the head of household who may be related or unrelated to the head of household and who function as members of a family.

Independent trades person means any person possessing the ability to perform work in a particular vocation.

Indian means any person who is a member of any of those tribes listed in the **Federal Register** pursuant to 25 CFR part 83, as recognized by and receiving services from the Bureau of Indian Affairs.

Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Pub. L. 103–454, 108 Stat. 4791.

Permanent members of household means adults living in the household that intend to live there continuously from now on and any children defined as a *child* in this part.

Secretary means the Secretary of the Interior.

Service area means the reservations (former reservations in Oklahoma), allotments, restricted lands, and Indian-

owned lands (including lands owned by corporations established pursuant to the Alaska Native Claims Settlement Act) within a geographical area designated by the tribe and approved by the Area Director to which equitable services can be delivered.

Service housing office means the Tribal Housing Office or Bureau Housing Assistance Office administering the Housing Improvement Program in the service area in which the applicant resides.

Standard housing means a dwelling in a condition which is decent, safe and sanitary so that it meets the following minimum standards:

(1) General construction conforms to applicable tribal, county, state or national codes and to appropriate building standards for the region;

(2) The heating system has the capacity to maintain a minimum temperature of 68 degrees in the dwelling during the coldest weather in the area. It must be safe to operate and maintain and deliver a uniform distribution of heat;

(3) The plumbing system includes a properly installed system of piping and fixtures;

(4) The electrical system includes wiring and equipment properly installed to safely supply electrical energy for lighting and for the operation of appliances;

(5) Occupants per dwelling do not exceed these limits:

(i) Two-bedroom dwelling: Up to four persons;

(ii) Three-bedroom dwelling: Up to seven persons;

(iii) Four-bedroom dwelling: Adequate for all but the very largest families;

(6) Bedroom size: The first bedroom must have at least 120 square feet of floor space, additional bedrooms must have a minimum of 100 square feet of floor space each.

(7) Two exceptions to standard housing will be permitted:

(i) Where one or more of the utilities are not available and there is no prospect of the utilities becoming available; and

(ii) In areas of severe climate, house size may be reduced to meet applicable building standards of that region.

(8) The house site must be chosen so that access to utilities is most economical, the ingress and egress are adequate, and aesthetics and proximity to school bus routes are considered.

Substandard housing means condition(s) exist that do not meet the definition of *standard housing* in this part of the rule.

Superintendent means the Bureau official in charge of an agency office.

§ 256.3 Policy.

(a) The Bureau of Indian Affairs housing policy is that every American family should have the opportunity for a decent home and suitable living environment. The Housing Improvement Program will serve the neediest of the needy Indian families who have no other resource for standard housing.

(b) Every Indian who meets the basic eligibility criteria defined in § 256.6 is entitled to participate in the program. Participation is based on priority of need, regardless of tribal affiliation.

(c) Tribal participation in and direct administration of the Housing Improvement Program is encouraged to the maximum extent possible. Tribal involvement is necessary to ensure that the services provided under the program are responsive to the needs of the tribes and the program participants.

(d) Partnerships with complementary improvement programs are encouraged to increase basic benefits derived from the Housing Improvement Program fund. An example is the agreement with Indian Health Services to provide water and sanitation facilities for Housing Improvement Program houses.

§ 256.4 Information Collection.

The information collection requirements contained in § 256.9 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 *et seq.* and assigned clearance number 1076–0084. The information is collected to determine applicant eligibility for services and eligibility to participate in the program based on the criteria referenced in §§ 256.9 and 256.10. Response is required to obtain a benefit. The public reporting burden for this form is estimated to average thirty minutes per response, including the time for reviewing the instructions, gathering and maintaining data, and completing and reviewing the form.

§ 256.5 What is the Housing Improvement Program?

The Housing Improvement Program provides a grant to fund services to repair, renovate, replace or provide housing for the neediest of the needy Indian families having substandard housing or who are without housing and have no other recourse for assistance.

§ 256.6 Am I eligible for the Housing Improvement Program?

You are eligible for the Housing Improvement Program if:

(a) You are a member of a Federally recognized American Indian tribe or Alaska Native village;

(b) You live in an approved tribal service area;

(c) Your annual income does not exceed 125 percent of the Department of Health and Human Services poverty income guidelines. These guidelines are available from your servicing housing office;

(d) Your present housing is substandard as defined in § 256.2; and

(e) You meet the ownership requirements for the assistance needed, as defined in § 256.7(b);

(f) You have no other resource for housing assistance;

(g) You have not received assistance after October 1, 1986, for repairs and renovation, replacement or housing, or down payment assistance; and

(h) You did not acquire your present housing through participation in a Federal government-sponsored housing program that includes provision for the assistance referred to in paragraph (g) of this section.

§ 256.7 What housing services are available under the Housing Improvement Program?

There are three categories of assistance available under the Housing Improvement Program, as outlined in the following table

Type of assistance	What it provides	Where to find information
Category A—Interim improvements	Up to $2,500 in housing repairs to the house in which you live	§ 256.8.
Category B—Repairs and renovation	Up to $35,000 in repairs and improvement to your house	§ 256.9.
Category C—Replacement housing	A modest dwelling that meets the criteria in § 256.11	§ 256.10–11.

§ 256.8 When do I qualify for Category A assistance?

You qualify for interim improvement assistance under Category A if it is not cost effective to renovate the dwelling in which you live and if either of the following is true:

(a) Other resources to meet your housing needs exist but are not immediately available; or

(b) You qualify for replacement housing under Category C, but there are no Housing Improvement Program funds available to replace your house.

§ 256.9 When do I qualify for Category B assistance?

You qualify for repairs and renovation assistance under Category B if you meet the requirements of this section.

(a) Your servicing housing office must determine that it is cost effective to repair and renovate the house.

(b) You must either:

(1) Own the house; or

(2) Lease the house with:

(i) An undivided leasehold (i.e., you are the only lessee); and

(ii) A leasehold that will last at least 25 years from the date that you receive the assistance.

(c) The servicing housing office must determine that the repairs and improvements will make the house meet applicable building code standards.

(d) You must sign a written agreement stating that, if you sell the house within 5 years of the completion of repairs:

(1) The assistance grant under this part will be voided; and

(2) At the time of settlement, you will repay BIA the full cost of all repairs made under this part.

§ 256.10 When do I qualify for Category C assistance?

(a) You qualify for replacement housing assistance under Category C if you meet one of the four sets of requirements in the following table.

You qualify for Category C assistance if * * *	And * * *	And * * *
You own the house in which you are living	The house cannot be brought up to applicable code standards for $35,000 or less.	
You lease the house in which you are living	Your leasehold is undivided and for not less than 25 years at the time that you receive assistance.	The house cannot be brought up to applicable building code standards for $35,000 or less.
You do not own a house	You own land that is suitable for housing	The land has adequate ingress and egress rights.
You do not own a house	You have a leasehold on land that is suitable for housing and the leasehold is undivided and for not less than 25 years at the time that you receive assistance.	The land has adequate ingress and egress rights.

(b) If you qualify for assistance under paragraph (a) of this section, you must sign a written agreement stating that, if you sell the house within 10 years of assuming ownership:

(1) The grant under this part will be voided; and

(2) At the time of settlement, you will repay BIA the full cost of the house.

(c) If you sell the house more than 10 years after you assume ownership, the following conditions apply:

(1) You may retain 10 percent of the original cost of the house per year, beginning with the eleventh year.

(2) If you sell the house after the first 20 years, you will not have to repay BIA.

§ 256.11 What are the occupancy and square footage standards for housing provided with Category C assistance?

Housing provided with Category C assistance will meet the standards in the following table.

Number of occupants	Number of bedrooms	Total house square footage (maximum)
1–3	*2	900
4–6	*3	1050
7+	*4	**1350

*Determined by the servicing housing office, based on composition of the family.

**Adequate for all but the very largest families.

§ 256.12 Who administers the Housing Improvement Program?

The Housing Improvement Program is administered by a servicing housing office operated by:

(a) A Tribe, under a Pub. L. 93–638 contract or a self-governance annual funding agreement; or

(b) The Bureau of Indian Affairs.

§ 256.13 How do I apply for the Housing Improvement Program?

(a) First, you must obtain an application, BIA Form 6407, and a Privacy Act Statement from your nearest servicing housing office.

(b) Second, you must complete and sign BIA Form 6407 and the Privacy Act Statement.

(c) Third, you must submit your completed application and signed Privacy Act Statement to your servicing housing office. Submission to the nearest BIA housing office does not preclude tribal approval of the application.

(d) Fourth, you must furnish documentation proving tribal membership. Examples of acceptable documentation include a copy of your Certificate of Degree of Indian Blood (CDIB) or a copy of your tribal membership card.

(e) Fifth, you must provide proof of income from all permanent members of your household.

(1) You must submit *signed* copies of current 1040 tax returns from all permanent members of the household, including W–2's and all other attachments.

(2) You must provide proof of all other income from all permanent members of the household. This includes unearned income such as social security, general assistance, retirement, and unemployment benefits.

(3) If you or other household members did not file a tax return, you must submit a signed notarized statement explaining why you did not.

(f) Sixth, you must furnish a copy of your annual trust income statement from your Individual Indian Money (IIM) account, for royalty, lease, and other monies, from your home agency. If you do not have an account, you must furnish a statement from your home agency to that effect.

(g) Seventh, you must provide proof of ownership of the residence and/or land:

(1) For fee patent property, you must provide a copy of a fully executed Warranty Deed, which is available at your local county court house;

(2) For trust property, you must provide certification from your home agency;

(3) For tribally owned land, you must provide a copy of a properly executed

tribal assignment, certified by the agency; or

(4) For multi-owner property, you must provide a copy of a properly executed lease.

§ 256.14 What are the steps that must be taken to process my application for the Housing Improvement Program?

(a) The servicing housing office must review your application for completeness. If your application is incomplete, the office will notify you, in writing, what is needed to complete your application and the date it must be submitted. If you do not complete your application by the deadline date, you will not be eligible for assistance in that program year.

(b) The servicing housing office will use your completed application to determine if you are eligible for the Housing Improvement Program.

(1) If you are found ineligible for the Housing Improvement Program or otherwise do not qualify for the program, the servicing housing office will advise you in writing within 45 days of receipt of your completed application.

(2) If you are found eligible for the Housing Improvement Program, the servicing housing office will assess your application for need, according to the factors and numeric values shown in the following table.

Factor	Ranking factor and definition	Ranking description	Point descriptors
1	Annual Household income	Income/125% FPIG—(% of 125% of FPIG)	Points—(Maximum=40)
	• Must include income of all persons counted in Factors 2, 3, 4. • Income includes earned income, royalties, and one-time income.	0–25 26–50 51–75 76–100 101–125	40. 30. 20. 10. 0.
2	Aged Persons	Years of Age	Points
	• For the benefit of persons age 55 or older, and • Must be living in the dwelling.	Less than 55 55 and older	0. 1 point per year of age over 54.
3	Disabled Individual	% of Disability—(A%+B%/2).	Points—(Maximum=20)
	• Any one (1) disabled person living in the dwelling. (The percentage of disability must be based on the average (mean) of the percentage of disabilities identified from two sources (A+B) of statements of conditions which may include a physician's certification, Social Security or Veterans Affairs determination, or similar determination)..	100% or less than 100%.	20. 10.
4	Dependent Children	Dependent Child—(Number of Children)	Points—(Maximum=5)
	• Must be under the age of 18 or such other age established for purposes of parental support by tribal or state law (if any). • Must live in the dwelling and not be married	1 2 3 4 5 6 or more	0. 1. 2. 3. 4. 5.

*FPIG means Federal Poverty Income Guidelines.

(c) The servicing housing office will develop a list of the applications considered and/or received for the Housing Improvement Program for the current program year. The list will include, at a minimum, sufficient information to determine:

(1) The current program year;

(2) The number of applications considered and/or received;

(3) The eligible applicants, ranked in order of need, from highest to lowest, based on the total numeric value assigned according to the factors shown in Table B. (In the case of a tie, the family with the lower income will be listed first);

(4) The estimated allowable costs of the improvements, repairs or replacement projects for the eligible applicants and the ''Priority List,'' identifying which applicants will be served based on the amount of available funding, starting with the most needy applicant and continuing until the amount of available funding is depleted; and

(5) The applicants not ranked, with an explanation (such as reason for ineligibility or reason for incomplete application).

(d) Your servicing housing office will inform you in writing within 45 days of completion of the listing whether funding is available to provide Housing Improvement Program services to you in that program year.

(1) If funding is available, you will be provided appropriate information concerning the availability of Housing Improvement Program services.

(2) If funding is not available, you will be advised, in writing, and provided appropriate information concerning submission for the next available program year. At the option of your servicing housing office and when extenuating circumstances exist, your application can be carried forward, for one year, into the next program year. You will be advised that you must provide written confirmation that the information in your application is still accurate and that you must provide current income documentation for that application to be considered in the next program year.

(e) Your servicing housing office will prepare an annual report identifying construction work undertaken during the fiscal year and related construction expenditures. The annual report is due to the servicing area office on the fifteenth day after the end of the fiscal year. The report, at a minimum, will contain:

(1) Number of Eligible Applicants;

(2) Number of Applicants Provided Service;

(3) Names of Applicants Provided Service;

(4) For Each Applicant Provided Service:

(i) Date of Construction Start;

(ii) Date of Construction Completion, if applicable;

(iii) Cost;

(iv) HIP Category.

§ 256.15 How long will I have to wait for the improvement, repair, or replacement of my dwelling to be done?

The length of time that it takes to accomplish the work to be done on your dwelling is dependent on:

(a) Whether funds are available;

(b) The type of work to be done;

(c) The climate and seasonal conditions where your dwelling is located;

(d) The availability of a contractor;

(e) Your position on the priority list; and

(f) Other unforeseen factors.

§ 256.16 Who is responsible for identifying what work will be done on my dwelling?

The servicing housing office is responsible for identifying what work is to be done on your dwelling or whether your dwelling will be replaced. This includes responsibility to communicate and coordinate, through provision of the current Priority List, with the Indian Health Service, when it is the organization responsible for verifying the availability/feasibility of water and wastewater facilities.

§ 256.17 What will the servicing housing office do to identify what work is to be done on my dwelling?

(a) First, a trained and qualified representative of your servicing housing office must visit your dwelling to identify what improvements or repairs are to be done under the Housing Improvement Program. The representative must ensure that flood, National Environmental Protection Act (NEPA) and earthquake requirements are met.

(b) Second, based on the list of improvements or repairs to be done, the representative must estimate the total cost of improvements or repairs to your dwelling. Cost estimates must be based on locally available services and product costs, or other regional-based, industry-recognized cost data, such as that provided by the MEANs or MARSHALL SWIFT. If the dwelling is located in Alaska, documented, reasonable, substantiated freight costs, in accordance with Federal Property Management Regulations (FPMR 101–40), not to exceed 100 percent of the cost of materials, can be added to the cost of the project.

(c) Third, the representative must determine which Housing Improvement Program category the improvements to your dwelling meet, based on the estimated cost of improvements or repairs. If the estimated cost to repair your dwelling is more than $35,000, the representative must approve your dwelling for replacement or refer you to another source for housing. The other source does not have to be for a replacement home; it may be for government-subsidized rental units or other sources for standard housing.

(d) Fourth, the representative must develop a detailed, written report, also called ''bid specifications'' that identifies what and how the improvement, repair, or construction work is to be accomplished at the dwelling.

(1) When the work includes new construction, the ''bid specifications'' will be supplemented with a set of construction plans. The plans must not exceed the occupancy and square footage criteria identified in § 256.7. The plans must be sufficiently detailed to provide complete instructions to the builder for the purpose of construction.

(2) ''Bid Specifications'' are also used to inform potential bidders of what work is to be done.

§ 256.18 How will I be advised of what work is to be done?

You will receive written notice from the servicing housing office of what work is being scheduled under the Housing Improvement Program. You will be requested to concur with the scheduled work by signing a copy of the notice and returning it to the servicing housing office. No work will be started until the signed copy is returned to the servicing housing office.

§ 256.19 Who performs the improvements, repairs, or replacement of my dwelling?

Independent or tribal repair or construction trades persons, home building contractors, or construction companies will perform the improvements, repairs, or replacement of your dwelling.

§ 256.20 How are these repairs or construction trades persons, home building contractors, or construction companies selected and paid?

The servicing housing office must follow Federal procurement or other Bureau-approved tribal procurement policy. Generally, your servicing housing office develops a ''bid specification'' or statement of work, which identifies the work to be performed. The appropriate contracting office uses the ''bid specification'' to provide information and invite bids on the project to interested parties. The contracting office selects the winning bidder after technical review of the bids by and written recommendation from the servicing housing office, and after determination that the bidder is qualified and capable of completing the project as advertised.

(a) Payments to the winning bidder are negotiated in the contract and based on specified delivery of services.

(1) Partial payments will not exceed 80 percent of the value of the completed work.

(2) Final payment will be made after final inspection and after all provisions of the contract have been met, including punch list items.

§ 256.21 Will I have to vacate my dwelling while repair work or replacement of my dwelling is being done?

(a) You will be notified by the servicing housing office that you must vacate your dwelling only if:

(1) It is scheduled for major repairs requiring that all occupants vacate the dwelling for safety reasons; or

(2) It is scheduled for replacement which requires the demolition of your current dwelling.

(b) If you are required to vacate the premises for the duration of the construction, you are responsible for:

(1) Locating other lodging;

(2) Paying all costs associated with vacating and living away from the dwelling; and

(3) Removing all your belongings and furnishings before the scheduled beginning work date.

§ 256.22 How can I be sure that the work that is being done on my dwelling meets minimum construction standards?

(a) At various stages of construction, a trained and qualified servicing housing office representative or building inspector will review the construction to ensure that it meets applicable minimum construction standards and building codes. Upon completion of each stage, further construction is prohibited until the inspection occurs and approval is granted.

(b) Inspections are, at a minimum, made at the following stages of construction:

(1) Footings;

(2) Closed in, rough wiring and rough plumbing; and

(3) At final completion.

§ 256.23 How will I be advised that the repair work or replacement of my dwelling has been completed?

The servicing housing office will advise you, in writing, that the work has been completed in compliance with the project contract. Also, you will have a final walk-through of the dwelling with your servicing housing office representative. You will be requested to verify that you received the notice of completion of the work by signing a copy of the notice and returning it to the servicing housing office representative.

§ 256.24 How many times can I receive improvements, repairs, or replacement services under the Housing Improvement Program?

(a) Under Interim Improvements, Category A, you can receive services under the Housing Improvement Program more than one time, for improvements to the dwelling in which you are living to improve the safety or sanitation of the dwelling:

(1) For not more than a total cost of $2,500;

(2) For not more than one dwelling.

(b) Under Repairs and Renovation, Category B, after October 1, 1986, you may receive services one time, for repairs to the dwelling that you own and occupy that requires not more than $35,000 to make the dwelling meet applicable building code standards.

(c) Under Replacement Housing, Category C, after October 1, 1986, you may receive services one time, for a modest replacement home.

§ 256.25 Will I need flood insurance?

You will need flood insurance if your dwelling is located in an area identified as having special flood hazards under the Flood Disaster Protection Act of 1973 (Pub. L. 93–234, 87 Stat. 977). Your servicing housing office will advise you.

§ 256.26 Is my Federal government-assisted dwelling eligible for services under the Housing Improvement Program?

Yes. You may receive services under the Housing Improvement Program if your home was purchased through a Federal government sponsored home program that does not include provision for housing assistance.

§ 256.27 Can I receive Housing Improvement Program services if I am living in a mobile home?

Yes. If you meet the eligibility criteria in § 256.6 and there is sufficient funding available, you can receive any of the Housing Improvement Program services identified in § 256.7. If you require Category B services and your mobile home has exterior walls of less than three inches, you must be provided Category C services.

§ 256.28 Can Housing Improvement Program resources be supplemented with other available resources?

Yes. Housing Improvement Program resources may be supplemented through other available resources to increase the number of Housing Improvement Program recipients.

§ 256.29 What can I do if I disagree with actions taken under the Housing Improvement Program?

You may appeal action or inaction by an official of the Bureau of Indian Affairs, in accordance with 25 CFR Part 2. You may appeal action or inaction by tribal officials through the appeal process established by the servicing tribe.

Dated: February 24, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–5300 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–95–009]

RIN 2115–AE47

Drawbridge Operation Regulations; Connecticut River, CT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard amends the regulations governing the Route 82 Bridge at mile 16.8 which crosses the Connecticut River, between East Haddam and Haddam, Connecticut. The change will provide openings for recreational vessels on the hour and half-hour only, from 15 May through 31 October between 9 a.m. and 9 p.m. Commercial vessels will continue to be granted bridge openings at all times. This change was requested by Connecticut Department of Transportation (CONNDOT) to provide relief from traffic delays caused by frequent unscheduled bridge openings. This action will ease vehicular traffic delays and still meet the reasonable needs of navigation.

This rule also requires bridge owners to install clearance gauges at the AMTRAK Old Saybrook-Old Lyme Bridge, the CONRAIL Middletown-Portland Bridge, and the Route 82 Bridge to assist mariners in determining if their vessels can pass under the bridges and thereby reduce the number of unnecessary openings.

DATES: This final rule is effective April 1, 1998.

ADDRESSES: Documents as indicated in this preamble, except for the seven comments commenting on the proposed rulemaking which are missing, are available for inspection or copying at the First Coast Guard District Office, Battery Park Bldg., New York, New York 10004–5073, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668–7069.

FOR FURTHER INFORMATION CONTACT:

Mr. J. Arca, project officer, First Coast Guard District, Bridge Branch. The telephone number is (212) 668–7069.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 4, 1995, the Coast Guard published a notice of proposed rulemaking entitled ''Drawing Operation Regulations; Connecticut River, Connecticut'' in the **Federal Register** (60 FR 22014). The Coast Guard received seven letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Background

The Route 82 Bridge has vertical clearance of 22′ above mean high water (MHW) and 25′ above mean low water (MLW) in the closed position. The Coast Guard previously published a temporary final rule (57 FR 24191; June 2, 1992) that required the bridge to open for recreational vessels on the hour and half-hour only, from 22 May through 31 October, 1992, between 9 a.m. and 9 p.m. on Fridays, Saturdays, Sundays, and Federal holidays. No comments were received during the comment period. Upon expiration of the temporary final rule, the bridge reverted to the general operating regulation contained in 33 CFR section 117.5 which requires drawbridges to open promptly and fully for the passage of vessels when a request to open is given. The Town of East Haddam and CONNDOT requested that the Coast Guard change the special operating regulations for the Route 82 Bridge. The original request was for hour and half-hour openings on Fridays, weekends and holidays from 9 a.m. to 9 p.m. during the recreation boating season. Subsequently, the request was expanded to include weekdays to have a uniform schedule every day of the week. The new rule will require the Route 82 Bridge to provide openings for recreational vessels on the hour and half-hour, daily from 15 May to 31 October, between 9 a.m. and 9 p.m. Openings for commercial vessels will be required on signal at all times. The rule will accommodate the reasonable needs of navigation while providing for the needs of land transportation. Clearance gauges are being required to assist mariners in determining whether bridge openings will be required for passage,

thereby eliminating unnecessary openings.

Discussion of Comments and Changes

The Coast Guard received seven comments all in favor of the proposal. No changes to the proposed rule have been made.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that commercial vessels are unaffected by this rule and that the regulations will not prevent recreational boaters from transiting the bridge. The rule will only require recreational boaters to adjust their time of arrival for openings on the hour and half-hour. The Coast Guard believes this rule achieves the requirement of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.e.(34) of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—[AMENDED]

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.205 is revised to read as follows:

§ 117.205 Connecticut River.

(a) The owners of the AMTRAK Old Saybrook-Old Lyme Bridge, mile 3.4 the Route 82 Bridge, mile 16.8, and the CONRAIL Middletown-Portland Bridge, mile 32.0, shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches which designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(b) The draws of the AMTRAK Old Saybrook-Old Lyme Bridge, mile 3.4, and the CONRAIL Middletown-Portland Bridge, mile 32.0, shall be opened as soon as practicable for all non-commercial vessels that cannot pass under the closed draws, but in no case shall the delay be more than 20 minutes from the time the opening was requested.

(c) The draw of the Route 82 Bridge, mile 16.8, at East Haddam, shall open on signal except that, from 15 May to 31 October, between 9 a.m. and 9 p.m., the draw need open for recreational vessels on the hour and half-hour only. The draw shall open on signal for commercial vessels at all times.

Dated: February 12, 1998.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 98–5297 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[FRL–5971–9]

Withdrawal From Federal Regulations of the Applicability to Alaska's Waters of Arsenic Human Health Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In 1992, EPA promulgated federal regulations establishing water quality criteria for toxic pollutants for several states, including Alaska (40 CFR 131.36). One of the toxic pollutants included in that rule was arsenic. In this final rule, EPA withdraws the applicability to Alaska's waters of the federal human health criteria for arsenic.

DATES: This rule is effective on April 1, 1998.

ADDRESSES: The administrative record for this rule is available for public inspection at EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington, 98101, between 8:00 a.m. and 4:30 p.m. Copies of the record are also available for public inspection at EPA's Alaska Operations Offices: 222 West 7th Avenue, Anchorage, AK and 410 Willoughby Avenue, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Fred Leutner at EPA Headquarters, Office of Water (4305), 401 M Street SW, Washington, DC 20460 (telephone: 202–260–1542), or Sally Brough in EPA's Region 10 (telephone: 206–553–1295).

SUPPLEMENTARY INFORMATION:

Potentially Affected Entities

Citizens concerned with water quality in Alaska, and with pollution from arsenic in particular, may be interested in this rulemaking. Since criteria are used in determining NPDES permit limits, entities discharging arsenic to waters of the United States in Alaska could be affected by this rulemaking. Potentially affected entities include:

Category	Examples of affected entities
Industry	Industries discharging arsenic to surface waters in Alaska.
Municipalities	Publicly-owned treatment works discharging arsenic to surface waters in Alaska.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility could be affected by this action, you should carefully examine the applicability criteria in section 131.36 of title 40 of the Code of Federal Regulations. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Background

On December 22, 1992, the Environmental Protection Agency (EPA or Agency) promulgated a rule to establish federal water quality criteria for priority toxic pollutants applicable in 14 states. That rule, which is commonly called the National Toxics Rule (NTR), is codified at 40 CFR 131.36. The specific requirements for Alaska are codified at section 131.36(d)(12) and among other criteria, include water quality criteria for the protection of human health from arsenic. EPA promulgated a human health criterion for Alaska of 0.18 µg/L to protect waters designated for the consumption of water (i.e., sources of drinking water) and the consumption of aquatic life which includes fish and shellfish such as shrimp, clams, oysters and mussels. This criterion is located in column D1 in the criteria matrix at section 131.36(b)(1). EPA also promulgated a human health criterion of 1.4 µg/L for waters designated for the consumption of aquatic life without considering water consumption. This criterion is located in column D2 in the criteria matrix. These concentrations are designed to not exceed an excess lifetime cancer risk of 1 in 100,000 (or 10^{-5}) and reflected Alaska's preference for risk levels as expressed in its own rule adoptions and in correspondence with EPA's Region 10. See 57 FR 60848 and 57 FR 60867.

Subsequent to the promulgation of the NTR, a number of issues and uncertainties arose concerning the health effects of arsenic. EPA determined that these issues and uncertainties were sufficiently significant to necessitate a careful evaluation of the risks of arsenic exposure. Accordingly, EPA has undertaken a number of activities aimed at reassessing the risks to human health from arsenic. (See Basis and Purpose section below.)

In light of EPA's review of the health effects of arsenic, the State of Alaska requested EPA to allow the state to use an arsenic criteria of 50 µg/L which is based on the maximum contaminant level (MCL) promulgated by EPA pursuant to the Safe Drinking Water Act, and is currently in the state's water quality standards in lieu of the human health criteria in the NTR. As adopted by Alaska, the 50 µg/l for arsenic applies to almost all fresh waters that have the public water supply designated use. (According to the state, this includes all but 10 fresh-water segments.)

Proposed Rule

On May 21, 1997, EPA proposed to withdraw from the NTR the applicability to Alaska of the arsenic human health criteria, and requested public comments by July 7, 1997 (62 FR 27707). As discussed in the preamble to the proposed rule, EPA made a preliminary determination that the 50 µg/l value for arsenic in freshwater designated for public water supply, in conjunction with Alaska's aquatic life criteria for arsenic, meets the requirements of the CWA, and solicited public comment on that determination. Following requests to allow more time to review the supporting record, EPA re-opened the public comment period on July 18, 1997 for 2 additional weeks, with final closing on August 4, 1997 (62 FR 38512). EPA received 70 comment letters comprising 320 pages.

Final Rule

As discussed below under Basis and Purpose and Response to Comments, EPA in this rulemaking is finalizing the proposed withdrawal of the applicability to Alaska's waters of EPA's human health criteria for arsenic. In a totally unrelated action, EPA recently removed the NTR aquatic life criteria for 19 acute aquatic life criteria applicable to Alaska (62 FR 53212, October 10, 1997). Arsenic was one of the criteria included in that federal action. As a result, when this rulemaking becomes effective, Alaska's current adopted criteria approved by EPA will be the only applicable water quality criteria for arsenic in Alaska. These criteria are: A chronic marine aquatic life criterion of 36 µg/L, a chronic freshwater aquatic life criterion of 190 µg/L, and the freshwater criterion of 50 µg/L for waters designated for public water supply discussed above. The aquatic life criteria are in place for all of the state's marine and estuarine waters, and in all fresh waters, including those few cases where the 50 µg/l value is not applicable.

Basis and Purpose for Final Rule

EPA has recognized the use of appropriate MCLs in establishing water quality standards under the CWA. Agency guidance notes the differences between the statutory factors for developing SDWA MCLs and CWA section 304(a) criteria, but provides that where human consumption of drinking water is the principal exposure to a toxic chemical, then an existing MCL may be an appropriate concentration limit. See guidance noticed in 54 FR 346, January 5, 1989. Similarly, the CWA section 304(a) human health guidelines are consistent with this position. See 45 FR 79318, November 28, 1980.

To determine whether the MCL could appropriately be used in lieu of the NTR's human health criteria for arsenic, EPA prepared an exposure analysis. This analysis estimates the significance of human consumption of fish and shellfish containing the amounts of inorganic arsenic indicated as present in representative samples of fish and shellfish, in conjunction with the consumption of water containing concentrations of arsenic currently existing in the Nation's waters. See EPA's ''Arsenic and Fish Consumption'' (EPA–822–R–97–003, December 3, 1997) in the administrative record for this rulemaking. This analysis first recognizes that the most toxic form of arsenic is inorganic arsenic. Inorganic arsenic is the principal form in surface waters and almost the exclusive form in ground waters. However, because of the metabolic processes affecting arsenic in the food chain, the arsenic in fish and most shellfish is largely present as organic arsenic (mostly arsenobetaine), which is significantly less toxic than the inorganic form. Available information indicates that arsenobetaine passes through these organisms with minimal retention in the fish, shellfish and human tissues.

In the NTR, EPA based the promulgated criteria on the human health criteria methodology contained in the 1980 human health guidelines. See 45 FR 79318, November 28, 1980. To estimate the ambient water concentration of a pollutant that does not represent a significant risk to the public (i.e., the criteria levels), the

methodology makes certain assumptions about human exposure to pollutants. The methodology assumes that for most people, drinking water intake is 2 liters per day, and that fish consumption is 6.5 grams per day (a little less than one-half pound per month). The methodology incorporates a bioconcentration factor (BCF) to account for a pollutant's concentration in fish and shellfish tissue versus its concentration in the water. The methodology also assumes that all of the water and fish consumed is contaminated at the criteria levels (the ''safe'' levels).

Using these same exposure factors from the methodology, EPA has assessed the protectiveness of the 50 μg/l arsenic value as a human health water quality criterion. In its analysis, EPA focused on the inorganic form of arsenic, because of its far greater toxicity than the organic forms. Assuming that the concentration of arsenic in water is at 50 μg/L, primarily in the inorganic form, most people would be exposed to up to 100 μg of inorganic arsenic from their drinking water intake (i.e., 2 L/day × 50 μg/L = 100 μg/day), and 0.6 μg/day of inorganic arsenic from consuming 6.5 grams of fish and shellfish collected from water at the 50 μg/l arsenic concentration and assuming the BCF used in the NTR. (See derivation in EPA's ''Arsenic and Fish Consumption'' in the record.) The total estimated exposure would be 100.6 μg/day which could consist entirely of inorganic arsenic. EPA considers the small increment of exposure from fish consumption to be insignificant. EPA therefore concludes that when applied to fresh waters in Alaska, use of 50 μg/L as an ambient water quality criterion for arsenic (assuming both water and fish consumption) generally provides a level of protection equivalent to that provided by water consumption only at 50 μg/l. A full characterization of other exposure scenarios is contained in EPA's exposure analysis described above. This analysis is in the administrative record for this rule and has undergone external peer review. The results of the peer review were considered by the Agency in preparing today's final action. The peer review comments and EPA's response to those comments are included in the administrative record for this proceeding. In general, EPA considers the peer review to be supportive of the methodology applied to support today's action.

There may be regions in Alaska where high levels of arsenic in the potable water are accompanied by high levels of fish and shellfish consumption that also may be high in arsenic contamination. In some of these situations, it is possible that a water quality criterion of 50 μg/l would not provide an acceptable level of protection, and additional action would be needed. In a recent letter, the State of Alaska stated,

> ''AS 46.03.110(d) [Alaska Statutes] and 18 AAC 70.025 [Alaska Administrative Code] authorizes us to use site-specific data to develop appropriate permit limits or site specific criteria to further our statutory mission, which includes protection of public health. It is our practice, and will continue to be our practice, to evaluate specific water quality concerns raised by an affected community or individual. If there is indication of a potential problem, we will use site specific data to set limits that fully protect human health.'' [bracketed material added]. October 8, 1997 letter from Michelle Brown, Commissioner, Alaska Department of Environmental Conservation, to Robert Perciasepe, Assistant Administrator for EPA's Office of Water, which is in the administrative record for this action.

EPA is pleased that the State of Alaska is prepared to act in such situations, and stands ready to assist the state if necessary to implement this policy. In developing site-specific criteria the state should use its authorities to characterize the size and location of the population of concern and determine their fish/shellfish and water intake rates. The fish and shellfish consumption should consider the species and dietary intake on a per species basis. Actual total arsenic and inorganic arsenic values for the species consumed and actual concentrations in drinking water should be used in the exposure calculations whenever possible.

There are also a number of ongoing national activities that may affect and/or necessitate a future change in the arsenic criteria for both ambient and drinking water in Alaska. The National Academy of Sciences (NAS) has initiated a study of the health risks posed by arsenic in water. Results of the study are expected in the Spring of 1998. Moreover, EPA is in the process of reevaluating the risk assessments for arsenic as part of a pilot program for reconfiguring the Agency's Integrated Risk Information System (IRIS). EPA originally planned this re-evaluation to cover aspects of both cancer and non-cancer risks and to include examination of data not previously reviewed. With the initiation of the NAS study, EPA redirected the focus of the IRIS reevaluation to the application of the proposed revisions to EPA's Guidelines for Cancer Risk Assessment. This reevaluation of arsenic for IRIS has not yet been completed. EPA encourages the state to review its water quality criteria for arsenic as this new information becomes available.

Response to Comments on the Proposed Rule

The Agency received a number of public comments on the proposed rule. The Agency has prepared a document entitled ''Response to Public Comment'' which it is placing in the administrative record to this action. EPA has considered all comments received in developing this final rule. The majority of commenters favored EPA's proposed action. However, several commenters urged EPA not to change its criteria in Alaska. Their arguments focused on the various scientific factors involved in supporting the NTR criterion. These comments inappropriately assumed that the issue before the Agency in this action was the establishment of a new or revised arsenic human health criterion rather than whether it is scientifically defensible to apply the 50 μg/l value for arsenic as the applicable criterion for CWA purposes. EPA is not developing or recommending a revised arsenic Clean Water Act section 304(a) human health criterion in this action.

EPA's water quality standards regulation provides that in establishing criteria, States should establish numerical values that may be based on EPA's section 304(a) criteria guidance or ''other scientifically defensible methods.'' (See 40 CFR 131.11(b).) EPA's responsibility in this action is to determine the scientific defensibility of Alaska's arsenic value as a human health water quality criterion.

EPA's analysis for this rule considered reasonable estimates of doses not only for typical consumers of drinking water and aquatic life, but also for highly exposed populations. These populations include persons who not only consume water with high arsenic concentrations, but who also consume large amounts of fish and shellfish captured from waters with significant to high arsenic concentrations. EPA is satisfied that its calculations demonstrate that application of the 50 μg/l value in Alaska's water quality standards will provide protection to typical consumers of water and aquatic life in Alaska. EPA also recognizes that in some cases site specific procedures will be needed to protect consumers where extraordinary combinations of high arsenic concentrations in drinking water and high fish and shellfish consumption occur. EPA will rely on the state to use the site specific procedures in their policy cited above to reduce arsenic intakes to acceptable levels. EPA believes that the technical document developed for this

rulemaking, which has been externally peer reviewed, satisfies its responsibilities to ascertain the scientific defensibility of using the 50 µg/l value for arsenic as the human health criterion for Alaska's freshwater. See, for example, *NRDC* v. *EPA*, 806 F. Supp. 1263 (E.D. Va., 1992).

Applicability in Indian Country

The National Toxics Rule criteria promulgated by EPA for application in Alaska are applicable only to the waters of the state. EPA did not intend to include Indian Country in that promulgation and thus Indian Country was not mentioned in the NTR preamble or rule. Thus, this final rule removing the applicability to Alaska's waters of EPA's NTR human health arsenic criteria only affects waters of Alaska, and does not affect any waters in Indian Country.

Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State local or Tribal Governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the Presidents priorities, or of the principles set forth in the Executive Order.

The withdrawal of the applicability of the arsenic human health criteria to the waters of Alaska imposes no additional regulatory requirements. Therefore, it has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is not subject to OMB review.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with regulatory requirements.

Today's rule contains no federal mandates (under the regulatory provisions of Title II of the UMRA) for state, local or tribal governments or the private sector. EPA is withdrawing the applicability of a federal rule to the State of Alaska and therefore does not impose any additional regulatory requirements or result in the annual expenditure of $100 million or more for state, local or tribal governments, in the aggregate, or to the private sector; and is not a federal mandate, as defined by the UMRA, nor does it uniquely affect small governments in any way. As such, the requirements of sections 202, 203, and 205 of Title II of the UMRA do not apply to this action.

National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act, the Agency is required to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. ''Voluntary consensus standards'' are ''technical standards'' (e.g., materials specifications, test methods, sampling procedures, business practices, management systems practices, etc.) which are developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires the Agency to provide Congress, through the Office of Management and Budget, an explanation of the reasons for not using such standards.

This rule withdraws human health water quality criteria for arsenic promulgated by EPA for the state of Alaska. The rule does not prescribe any substantive control standards, including any ''technical standards'' within the meaning of the NTTAA. Accordingly, this rule is not subject to the NTTAA.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), EPA generally is required to conduct a regulatory flexibility analysis describing the impact of the regulatory action on small entities as part of rulemaking. However, under section 605(b) of the RFA, if EPA certifies that the rule will not have a significant economic impact on a substantial number of small entities, EPA is not required to prepare an RFA. Pursuant to section 605(b) of the RFA, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. EPA has not prepared a final regulatory flexibility analysis for this action because the agency has determined that this action is deregulatory in nature and would impose no additional regulatory requirements or costs. Therefore, pursuant to section 605(b) of the Regulatory Flexibility Act, the Administrator certifies that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* places requirements on the Agency to estimate projected costs and reporting burdens for information collection requirements included in proposed and final rules. Any such requirements are subject to approval by the Office of Management and Budget. This final rule does not impose any requirement subject to the Paperwork Reduction Act because the action withdraws the applicability of a

federal rule to the State of Alaska and does not place any reporting requirements on the state.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 131

Environmental protection, Water pollution control, Water quality standards.

Dated: February 23, 1998.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, Title 40, Chapter I, part 131 of the Code of Federal Regulations is amended as follows:

PART 131—WATER QUALITY STANDARDS

1. The authority citation for part 131 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

§ 131.36 [Amended]

2. In Section 131.36(d)(12)(ii) the table is amended under the heading ''Applicable Criteria'', in the entry for ''Column D1'' and three entries for ''Column D2'' by removing the number ''2'' from the list of numbers.

[FR Doc. 98–5091 Filed 2–27–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7236]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director for Mitigation reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2796.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.:* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Maricopa	Unincorporated areas.	Nov. 19, 1997, Nov. 26, 1997, *Tempe Tribune*.	The Honorable Don Stapley, Chairperson, Maricopa County Board of Supervisors, 301 West Jefferson Street, Phoenix, Arizona 85003.	Oct. 20, 1997	040037
Maricopa	City of Tempe	Nov. 19, 1997, Nov. 26, 1997, *Tempe Tribune*.	The Honorable Neil Giuliano, Mayor, City of Tempe, P.O. Box 5002, Tempe, Arizona 85280.	Oct. 20, 1997	040054
California:					
San Diego	City of Encinitas ..	Dec. 4, 1997, Dec. 11, 1997, *Encinitas Sun*.	The Honorable John Davis, Mayor, City of Encinitas, 505 South Vulcan Avenue, Encinitas, California 92024.	Nov. 10, 1997	060726
Kern	Unincorporated areas.	Nov. 20, 1997, Nov. 27, 1997, *Mojave Desert News*.	The Honorable Steve Perez, Chairman, Kern County Board of Supervisors, 1115 Truxton Avenue, Fifth Floor, Bakersfield, California 93301.	Oct. 31, 1997	060075
Sonoma	City of Petaluma ..	Dec. 2, 1997, Dec. 9, 1997, *Argus Courier*.	The Honorable Patricia Hilligoss, Mayor, City of Petaluma, P.O. Box 61, Petaluma, California 94953–0061.	Nov. 6, 1997	060379
Placer	City of Roseville ..	Nov. 12, 1997, Nov. 19, 1997, *The Press-Tribune*.	The Honorable Claudia Gamar, Mayor, City of Roseville, 311 Vernon Street, Suite 200, Roseville, California 95678.	Oct. 20, 1997	060243
San Mateo	City of San Carlos	Dec. 16, 1997, Dec. 23, 1997, *San Mateo Times*.	The Honorable Sally Mitchell, Mayor, City of San Carlos, 600 Elm Street, San Carlos, California 94070.	Nov. 12, 1997	060327
San Diego	Unincorporated areas.	Dec. 4, 1997, Dec. 11, 1997, *San Diego Union-Tribune*.	The Honorable Bill Horn, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, California 92101.	Nov. 10, 1997	060284
San Diego	Unincorporated areas.	Nov. 21, 1997, Nov. 28, 1997, *San Diego Union-Tribune*.	The Honorable Bill Horn, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, California 92101.	Feb. 26, 1998	060284
San Diego	Unincorporated areas.	Nov. 13, 1997, Nov. 20, 1997, *San Diego Union-Tribune*.	The Honorable Bill Horn, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, California 92101.	Feb. 18, 1998	060284
San Diego	City of Vista	Nov. 21, 1997, Nov. 28, 1997, *Vista Press*.	The Honorable Gloria McClellan, Mayor, City of Vista, P.O. Box 1988, Vista, California 92085.	Feb. 26, 1998	060297
San Diego	City of Vista	Nov. 14, 1997, Nov. 21, 1997, *Vista Press*.	The Honorable Gloria McClellan, Mayor, City of Vista, P.O. Box 1988, Vista, California 92085.	Feb. 18, 1998	060297
Colorado: Arapahoe	Unincorporated areas.	Nov. 20, 1997, Nov. 27, 1997, *The Villager*.	The Honorable Polly Page, Chairperson, Board of County Commissioners, Arapahoe County, 5334 South Prince Street, Littleton, Colorado 80166.	Nov. 3, 1997	080081
Hawaii: Maui	Maui	Nov. 20, 1997, Nov. 27, 1997, *Maui News*.	The Honorable Linda Crockett-Lingle, Mayor, Maui County, 250 South High Street, Wailuku, Maui, Hawaii 96793.	Oct. 22, 1997	150003
Idaho: Canyon	City of Nampa	Nov. 18, 1997, Nov. 25, 1997, *Idaho Press-Tribune*.	The Honorable Winston K. Goering, Mayor, City of Nampa, 411 Third Street South, Nampa, Idaho 83651.	Oct. 24, 1997	160038
Louisiana:					
Caddo Parish ..	Unincorporated areas.	Nov. 14, 1997, Nov. 21, 1997, *The Times*.	The Honorable Judy Durham, Administrator and Chief Executive Officer, Caddo Parish, 525 Marshall Street, Shreveport, Louisiana 71101.	Oct. 20, 1997	220361
Rapides Parish	City of Pineville ...	Dec. 11, 1997, Dec. 18, 1997, *Alexandria Daily Town Talk*.	The Honorable Fred Baden, Mayor, City of Pinevelle, P.O. Box 3820, Pineville, Lousiana 71361.	Nov. 17, 1997	220151

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Rapides Parish	Unincorporated areas.	Dec. 11, 1997, Dec. 18, 1997, *Alexandria Daily Town Talk*.	The Honorable Richard Billings, President, Rapides Parish Police Jury, Alexandria, Louisiana 71301.	Nov. 17, 1997	220145
Caddo Parish ..	City of Shreveport	Nov. 14, 1997, Nov. 21, 1997, *The Times*.	The Honorable Robert Williams, Mayor, City of Shreveport, P.O. Box 31109, Shreveport, Louisiana 71130.	Oct. 20, 1997	220036
Missouri: Jackson ...	City of Kansas City.	Nov. 7, 1997, Nov. 14, 1997 *The Kansas City Star*.	The Honorable Emanuel Cleaver, Mayor, City of Kansas City, City Hall, 414 East 12th Street, 29th Floor, Kansas City, Missouri 64106–2785.	Aug. 20, 1997	290173
Nevada:					
Clark	Unicorporated areas.	Nov. 21, 1997, Nov. 28, 1997, *Las Vegas Review Journal*.	The Honorable Yvonne Atkinson Gates, Chairperson, Clark County Board of Commissioners, 225 East Bridger Avenue, Las Vegas, Nevada 89155.	Oct. 27, 1997	320003
Douglas	Unicorporated areas.	Dec. 3, 1997, Dec. 10, 1997, *The Record Courier*.	The Honorable Jacques Etchegoyhen, Chairman, Douglas County Board of Commissioners, P.O. Box 218, Minden, Nevada 89423.	Nov. 6, 1997	320008
Washoe	City of Sparks	Dec. 3, 1997, Dec. 10, 1997, *The Daily Sparks Tribune*.	The Honorable Bruce H. Breslow, Mayor, City of Sparks, P.O. Box 857, Sparks, Nevada 89432–0857.	Nov. 5, 1997	320021
New Mexico:					
Bernalillo	City of Albuquerque.	Nov. 19, 1997, Nov. 26, 1997, *Albuquerque Journal*.	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	Oct. 24, 1997	350002
Bernalillo	Unincorporated areas.	Nov. 21, 1997, Nov. 28, 1997, *Albuquerque Journal*.	The Honorable Tom Rutherford, Chairman, Bernalillo County Board of Commissioners, 2400 Broadway Southeast, Albuquerque, New Mexico 87102.	Oct. 31, 1997	350001
Oklahoma:					
Comanche	City of Lawton	Dec. 5, 1997, Dec. 12, 1997, *The Lawton Constitution*.	The Honorable John Marley, Mayor, City of Lawton, City Hall, 103 Southwest Fourth Street, Lawton, Oklahoma 73501.	Oct. 31, 1997	400049
Comanche	City of Lawton	Dec. 5, 1997, Dec. 12, 1997, *The Lawton Constitution*.	The Honorable John Marley, Mayor, City of Lawton, City Hall, 103 Southwest Fourth Street, Lawton, Oklahoma 73501.	Nov. 14, 1997	400049
Tulsa	City of Tulsa	Jan. 9, 1998, Jan. 16, 1998, *Tulsa World*.	The Honorable Susan Savage, Mayor, City of Tulsa, 200 Civic Center, 11th Floor, Tulsa, Oklahoma 74103.	Dec. 9, 1997	405381
Texas:					
Dallas	City of Carrollton	Nov. 21, 1997, Nov. 28, 1997, *Metrocrest News*.	The Honorable Milburn Gravely, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, Texas 75011–0535.	Oct. 29, 1997	480167
Dallas	City of Garland	Dec. 11, 1997, Dec. 18, 1997, *The Garland News*.	The Honorable James Ratliff, Mayor, City of Garland, 200 North Fifth Street, Garland, Texas 75040.	Nov. 14, 1997	485471
Collin and Denton.	City of Plano	Dec. 24, 1997, Dec. 31, 1997, *Plano Star Courier*.	The Honorable John Longstreet, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	Nov. 14, 1997	480140
Utah: Salt Lake	City of Draper	Dec. 2, 1997, Dec. 9, 1997, *Salt Lake Tribune*.	The Honorable Elaine Redd, Mayor, City of Draper, 12441 South 900 East, Draper, Utah 84020.	Nov. 6, 1997	490244

(Catalog of Federal Domestic Assistance No. 83.100, Flood Insurance).

Dated: February 19, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98–5265 Filed 2–27–98; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2796.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No. 7228).	City of Avondale ..	August 12, 1997, August 19, 1997, *The Arizona Republic.*	The Honorable Thomas S. Morales, Jr., Mayor, City of Avondale, 525 North Central Avenue, Avondale, Arizona 85323.	August 5, 1997	040038
Maricopa (FEMA Docket No. 7228).	Town of Cave Creek.	August 12, 1997, August 19, 1997 *The Arizona Republic.*	The Honorable Tom Aukerton, Mayor, Town of Cave Creek, 37622 North Cave Creek Road, Cave Creek, Arizona 85331.	August 5, 1997	040129

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Maricopa (FEMA Docket No. 7228).	City of El Mirage	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable Maggie Reese, Mayor, City of El Mirage, P.O. Box 26, El Mirage, Arizona 85335.	August 5, 1997	040041
Maricopa (FEMA Docket No. 7228).	City of Glendale ..	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable Elaine Scruggs, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, Arizona 85301.	August 5, 1997	040045
Maricopa (FEMA Docket No. 7228).	City of Goodyear	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable William Arnold, Mayor, City of Goodyear, 119 North Litchfield Road, Goodyear, Arizona 85338.	August 5, 1997	040046
Maricopa (FEMA Docket No. 7228).	Unincorporated Areas.	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable Don Stapley, Chairperson, Maricopa County, Board of Supervisors, 301 West Jefferson Street, Phoenix, Arizona 85003.	August 5, 1997	040037
Maricopa (FEMA Docket No. 7228).	Unincorporated Areas.	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable Don Stapley, Chairperson, Maricopa County, Board of Supervisors, 301 West Jefferson Street, Phoenix, Arizona 85003.	August 5, 1997	040037
Maricopa (FEMA Docket No. 7228).	City of Peoria	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable John Keegan, Mayor, City of Peoria, 8401 West Monroe, Peoria, Arizona 85345.	August 5, 1997	040050
Maricopa (FEMA Docket No. 7228).	City of Phoenix	August 22, 1997, August 29, 1997, *The Arizona Republic*.	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, Arizona 85003.	August 7, 1997	040051
Maricopa (FEMA Docket No. 7228).	City of Phoenix	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, Arizona 85003.	August 5, 1997	040051
Maricopa (FEMA Docket No. 7228).	City of Phoenix	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, Arizona 85003.	August 5, 1997	040051
Maricopa (FEMA Docket No. 7228).	City of Surprise ...	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable Joan Shafer, Mayor, City of Surprise, 12425 West Bell Road, Suite D–100, Surprise, Arizona 85374.	August 5, 1997	040053
Pima (FEMA Docket No. 7228).	City of Tucson	July 22, 1997, July 29, 1997, *The Arizona Daily Star*.	The Honorable George Miller, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	June 23, 1997	040076
Pima (FEMA Docket No. 7228).	City of Tucson	August 21, 1997, August 28, 1997, *The Arizona Daily Star*.	The Honorable George Miller, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	August 1, 1997	040076
Maricopa (FEMA Docket No. 7228).	Town of Youngtown.	August 12, 1997, August 19, 1997, *The Arizona Republic*.	The Honorable William Kosanovich, Mayor, Town of Youngtown, 12030 Clubhouse Square, Youngtown, Arizona 85363.	August 5, 1997	040057
California:					
Alameda (FEMA Docket No. 7228).	City of Livermore	August 20, 1997, August 27, 1997, *The Independent*.	The Honorable Cathie Brown, Mayor, City of Livermore, 1052 South Livermore Avenue, Livermore, California 94550.	August 4, 1997	060008
San Diego (FEMA Docket No. 7228).	City of Poway	August 7, 1997, August 14, 1997, *Poway News Chieftain*.	The Honorable Don Higginson, Mayor, City of Poway, 13325 Civic Center Drive, Poway, California 92074–0789.	November 13, 1997.	060702
Riverside (FEMA Docket No. 7228).	Unincorporated Areas.	August 14, 1997, August 21, 1997, *Press-Enterprise*.	The Honorable Kay Ceniceros, Chairperson, Riverside County, Board of Supervisors, P.O. Box 1359, Riverside, California 92502–1359.	July 18, 1997	060245
Sacramento (FEMA Docket No. 7228).	Unincorporated Areas.	August 20, 1997, August 27, 1997, *The Sacramento-Bee*.	The Honorable Don Nottoli, Chairman, Board of Supervisors, Sacramento County, 700 H Street, Room 2450, Sacramento, California 95814.	August 14, 1997 ..	060262
San Bernardino (FEMA Docket No. 7228).	Unincorporated Areas.	August 20, 1997, August 27, 1997, *The Sun*.	The Honorable Jon D. Mikels, Chair, San Bernardino County, Board of Supervisors, 385 North Arrowhead Avenue, San Bernardino, California 92415–0110.	August 8, 1997	060270

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Guam (FEMA Docket No. 7228).	Territory of Guam	August 26, 1997, September 2, 1997, *Pacific Daily News*.	The Honorable Carl T.C. Gutierrez, Governor, Territory of Guam, Agana, Guam 96910.	August 8, 1997	660001
Idaho:					
Bingham (FEMA Docket No. 7228).	Unincorporated Areas.	July 24, 1997, July 31, 1997, *The Morning News*.	The Honorable Dale Arave, Chairman, Bingham County Commissioners, P.O. Box 1028, Blackfoot, Idaho 83221.	October 30, 1997	160018
Bingham (FEMA Docket No. 7228).	City of Blackfoot ..	July 24, 1997, July 31, 1997, *The Morning News*.	The Honorable R. Scott Reese, Mayor, City of Blackfoot, 157 North Broadway, Blackfoot, Idaho 83221.	October 30, 1997	160019
New Mexico:					
Bernalillo (FEMA Docket No. 7228).	City of Albuquerque.	August 20, 1997, August 27, 1997, *The Albuquerque Journal*.	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	August 1, 1997	350002
Bernalillo (FEMA Docket No. 7228).	City of Albuquerque.	August 5, 1997, August 12, 1997, *Albuquerque Journal*.	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103–1293,.	July 16, 1997	350002
Bernalillo (FEMA Docket No. 7228).	City of Albuquerque.	July 24, 1997, July 31, 1997, *Albuquerque Journal*.	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103–1293.	July 1, 1997	350002
North Dakota: Burleigh (FEMA Docket No. 7228).	City of Bismarck ..	August 15, 1997, August 22, 1997, *Bismarck Tribune*.	The Honorable Bill Sorenson, Mayor, City of Bismarck, P.O. Box 5503, Bismarck, North Dakota 58502–5503.	November 21, 1997.	380149
Oklahoma:					
Tulsa (FEMA Docket No. 7228).	City of Glenpool ..	August 22, 1997, August 29, 1997, *Tulsa World*.	The Honorable Curtis Killian, Mayor, City of Glenpool, P.O. Box 70, Glenpool, Oklahoma 74033.	August 6, 1997	400208
Oklahoma: (FEMA Docket No. 7228).	City of Oklahoma City.	August 22, 1997, August 29, 1997, *The Daily Oklahoman*.	The Honorable Ronald J. Norick, Mayor, City of Oklahoma City, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.	August 1, 1997	405378
Texas:					
Collin (FEMA Docket No. 7228).	City of Allen	August 13, 1997, August 20, 1997, *The Allen American*.	The Honorable Kevin Lilly, Mayor, City of Allen, One Butler Circle, Allen, Texas 75013.	July 23, 1997	480131
Tarrant (FEMA Docket No. 7228).	City of Benbrook	July 22, 1997, July 29, 1997, *Fort Worth Star-Telegram*.	The Honorable Jerry Dunn, Mayor, City of Benbrook, P.O. Box 26569, Benbrook, Texas 76126.	July 1, 1997	480586
Dallas, Denton, and Collin (FEMA Docket No. 7228).	City of Carrollton	July 18, 1997, July 25, 1997, *Metrocrest News*.	The Honorable Milburn Gravley, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, Texas 75011–0535.	July 2, 1997	480167
Tarrant (FEMA Docket No. 7228).	City of Fort Worth	July 22, 1997, July 29, 1997, *Fort Worth Star-Telegram*.	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102–6311.	July 1, 1997	480596
Tarrant (FEMA Docket No. 7228).	City of Haltom City.	August 5, 1997, August 12, 1997, *Fort Worth Star-Telegram*.	The Honorable Gary Larson, Mayor, City of Haltom City, P.O. Box 14246, Haltom City, Texas 76117–0246.	July 8, 1997	480599
Cameron (FEMA Docket No. 7228).	Town of South Padre Island.	July 24, 1997, July 31, 1997, *Brownsville Herald*.	The Honorable Edmund Cyganiewicz, Mayor, Town of South Padre Island, 4501 Padre Boulevard, South Padre Island, Texas 78597.	June 20, 1997	480115
Bexar (FEMA Docket No. 7228).	City of Universal City.	July 23, 1997, July 30, 1997, *San Antonio Express-News*.	The Honorable Wesley D. Becken, Mayor, City of Universal City, P.O. Box 3008, Universal City, Texas 78148.	June 23, 1997	480049

(Catalog of Federal Domestic Assistance No. 83.100, Flood Insurance)

Dated: February 19, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98–5264 Filed 2–27–98; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2796.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended to read as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ARIZONA	
Yavapai County (Unincorporated Areas) (FEMA Docket No. 7230)	
Wet Beaver Creek:	
Approximately 8,800 feet downstream of Montezuma Avenue	*3,360
Approximately 5,000 feet downstream of Montezuma Avenue	*3,392
Approximately 2,350 feet downstream of Montezuma Avenue	*3,414
Russell Wash:	
At confluence with Wet Beaver Creek	*3,388
Just downstream of Lake Shore Drive	*3,412
Approximately 1,600 feet upstream of Montezuma Avenue	*3,466
Maps are available for inspection at the Yavapai County Flood Control District, 255 East Gurley Street, Prescott, Arizona.	
CALIFORNIA	
Butte County (and Incorporated Areas) (FEMA Docket No. 7226)	
Big Chico Creek:	
At Bidwell Avenue extended, approximately 6,400 feet downstream of Rose Avenue	*158
At diversion structure footbridge, approximately 1,700 feet upstream of Manzanita Avenue	*266
Lindo Channel:	
Approximately 2,000 feet downstream of Nord Avenue	*168
Just upstream of Manzanita Avenue	*254
Just upstream of diversion weir dividing flow from creek diversion channel	*269
Mud Creek:	
At Nord Highway	*163
At confluence with Sycamore Creek, approximately 150 feet upstream of Highway 99 northbound	*175
Mud Creek Diversion Channel:	
At confluence with Sycamore Creek, approximately 1,400 feet upstream of Cohasset Road	*192
Approximately 2,850 feet upstream of Wildwood Avenue	*272
Sycamore Creek:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with Mud Creek, approximately 150 feet upstream of Highway 99 northbound	*175
Just downstream of Cohasset Road	*190
Approximately 5,900 feet upstream of Mud Creek Diversion Channel	*234
Butte Creek:	
Approximately 2,550 feet downstream of Aguas Frias Road	*104
Approximately 200 feet downstream of Skyway	*243
Just upstream of Skyway	*246
Butte Creek—Right Overbank Flooding:	
At intersection of Aguas Frias Road and the alignment of Nelson Road and Butte-Glenn County line	*98
At Bruce Lane, approximately 4,000 feet south of its intersection with Hegan Lane	*190
Butte Creek—Left Overbank Flooding:	
At downstream limit of detailed study in the inside area of levees	*94
On Durnel Drive, just north of Hamlin Slough levees	*123
Just downstream of Highway 99	*215
Hamlin Slough:	
At confluence with Butte Creek	*119
Approximately 6,000 feet upstream of Esquon Road	*145
At Oroville-Chico Highway (Zone AO)	#
Little Chico—Butte Diversion Channel:	
At a low water crossing, approximately 950 feet downstream of an abandoned railroad	*226
Just downstream of diversion structure	*297
Comanche Creek:	
Approximately 14,750 feet downstream of Crouch Road	*123
Just downstream of Highway 99	*216
Little Chico Creek:	
Approximately 5,840 feet downstream of a wooden bridge approximately 4,400 feet downstream of Alberton Avenue	*124
Approximately 3,750 feet upstream of Stilson Canyon Road	*344
Maps are available for inspection at the Butte County Library, 1108 Sherman Avenue, Chico, California.	
Maps are available for inspection at Merriam Library, California State University, Chico, California.	
Maps are available for inspection at the City of Oroville Public Works Department, City Hall, 1735 Montgomery Street, Oroville, California.	
Milpitas (City), Santa Clara County (FEMA Docket No. 7188)	
Berryessa Creek:	
At confluence with Penitencia Creek	*12
Approximately 1,000 feet upstream of confluence with Penitencia Creek	*13
Just upstream of Los Coches Street	*30
Just upstream of confluence of Piedmont Creek	*34
Arroyo De Los Coches:	
At confluence with Berryessa Creek	*30
Approximately 200 feet upstream of Old Piedmont Road	*145
Calera Creek:	
At confluence with Berryessa Creek	*13
Approximately 800 feet upstream of Interstate Highway 680	*120
Maps are available for inspection at the Office of the City Engineer, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California.	
Placer County (and Incorporated Areas) (FEMA Docket No. 7194)	
Antelope Creek:	
At confluence with Dry Creek	*154
Just upstream of Citrus Colony Road	*365
Antelope Creek Overflow Channel:	
At confluence with Antelope Creek	*206
At divergence with Antelope Creek	*208
Antelope Creek Tributary:	
At confluence with Antelope Creek	*340
Just upstream of Humphrey Road	*376
Auburn Ravine:	
Approximately 800 feet downstream of Lozanos Road	*668
Approximately 655 feet upstream of Southern Pacific Railroad crossing	*1,533
Auburn Ravine Dairy Road Tributary:	
At confluence with Auburn Ravine	*1,308
Just downstream of Luther Road	*1,476
Cirby Creek:	
At confluence with Dry Creek	*132
Approximately 2,360 feet upstream of Huntington Drive	*166
Clover Valley Creek:	
At confluence of Antelope Creek	*228
Approximately 17,000 feet upstream of Clover Valley Road	*497
Dry Creek:	
Approximately 0.5 mile downstream of Watt Avenue at County limits	*80
Approximately 4,400 feet upstream of Folsom Road	*154
Dry Creek—Antelope North Road Tributary (East Branch):	
At confluence with Dry Creek	*111
Approximately 3,620 feet upstream of confluence with Dry Creek	*111
Dry Creek—Antelope North Road Tributary (West Branch):	
At confluence with Dry Creek	*111
Approximately 620 feet upstream of confluence with Dry Creek	*111
Dry Creek—Billy Mitchell Road Tributary:	
At confluence with Dry Creek	*96
Approximately 4,750 feet upstream of Billy Mitchell Road	*119
Dry Creek—Vineyard Road Tributary:	
At confluence with Dry Creek	*111
Approximately 200 feet downstream of Brady Lane	*134
Dry Creek—Walerga Road Tributary:	
At confluence with Dry Creek	*90
Approximately 4,160 feet upstream of Walerga Road	*104
Linda Creek:	
At confluence with Cirby Creek	*139
Approximately 840 feet upstream of Old Auburn Road	*169
Markham Ravine:	
At Nelson Lane	*109
At Fruitvale Road	*191
Markham Ravine Lower Tributary:	
At confluence with Markham Ravine	*112
Approximately 9,400 feet upstream of confluence with Markham Ravine	*130
Markham Ravine Upper Tributary:	
At confluence with Markham Ravine	*177
Approximately 0.25 mile upstream of Mulberry Lane	*194
Miners Ravine:	
At Harding Boulevard	*154
Approximately 15,300 feet upstream of confluence with Dry Creek	*236
Secret Ravine:	
At confluence with Miners Ravine	*170
Approximately 800 feet upstream of King Road	*388
Secret Ravine—Aguilar Tributary:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with Secret Ravine	*250
Approximately 1,480 feet upstream of El Don Road	*296
Secret Ravine—Upper Fork:	
At confluence with Secret Ravine	*357
Approximately 0.25 mile upstream of King Road	*405
Strap Ravine:	
Just upstream of McClaren Drive	*157
Approximately 9,500 feet upstream of Sierra College Boulevard	*301
Sucker Ravine:	
At confluence with Secret Ravine	*233
Just upstream of Sopalas Street	*370
Sucker Ravine Overflow Channel No. 1:	
At convergence with Sucker Ravine	*309
At divergence with Sucker Ravine	*324
Sucker Ravine Overflow Channel No. 2:	
At convergence with Sucker Ravine	*322
At divergence with Sucker Ravine	*336
Sucker Ravine—Loomis Tributary:	
At confluence with Sucker Ravine	*300
Approximately 340 feet upstream of Stonegate Road	*343
Maps are available for inspection at the Placer County Department of Public Works, 11444 B Avenue, Auburn, California.	
Maps are available for inspection at the Planning Department, City Hall, 1390 First Street, Lincoln, California.	
Maps are available for inspection at the City of Rocklin Engineering Department, 3970 Rocklin Road, Rocklin, California.	
Maps are available for inspection at the Engineering Department, 316 Vernon Street, Roseville, California.	
Maps are available for inspection at the Town of Loomis Town Hall, 6140 Horseshoe Bar, Suite K, Loomis, California.	
Maps are available for inspection at the City of Auburn Planning Department, 1225 Lincoln Way, Auburn, California.	
Sierra County (and Incorporated Areas) (FEMA Docket No. 7230)	
Smithneck Creek:	
Approximately 2,200 feet downstream of Main Street	*4,928
Approximately 100 feet upstream of Bear Valley Road	*5,317
Maps are available for inspection at the Sierra County Department of Planning, Sierra County Courthouse Annex, Downieville, California.	
Territory of Guam (FEMA Docket No. 7230)	
Pacific Ocean:	
Along the shoreline, approximately 1,900 feet southeast of the intersection of Chagamin Lago Avenue and Pale Duenas Street	*26
Along the shoreline, approximately 4,500 feet west of the intersection of Cruz Avenue and Parcinas Street	*10
Maps are available for inspection at the Public Works Department, 542 North Marine Drive, Building A, Tammuing, Guam.	
LOUISIANA	
Calcasieu Parish (Unincorporated Areas) (FEMA Docket No. 7226)	
Belfield Lateral:	
Approximately 2,000 feet upstream of Joe Miller Road	*24
At the intersection of Stafford and Park Roads	*24
Maps are available for inspection at 1015 Pithon Street, Lake Charles, Louisiana.	
Calcasieu Parish (Unincorporated Areas) (FEMA Docket No. 7198)	
Amoco Lateral:	
Approximately 1,600 feet downstream of Gauthier Road	*9
Approximately 300 feet upstream of State Highway 14	*19
Antoine Gully:	
Approximately 200 feet downstream of U.S. Highway 90	*12
Just downstream of State Highway 397	*14
At McCown Road	*15
Bayou d'Inde Lateral:	
At Barney Hoffpauir Road	*15
Bayou Verdine:	
At the intersection of Rigmaiden and Fifth Avenue	*15
Belfield Lateral:	
At confluence with Little Indian Bayou	*23
Just below the intersection of Stafford and Park Roads	*24
Bellevue Lateral:	
At confluence with West Fork of English Bayou	*20
Just upstream of Metzger Road	*22
Diamond Gully:	
At confluence with Belfield Lateral	*23
At private drive approximately 7,000 feet upstream of U.S. Highway 171	*25
Fairground Lateral:	
At confluence with Bayou d'Inde Lateral	*15
At Old State Highway 27	*16
Gillis Lateral:	
At confluence with Little Indian Bayou	*19
Approximately 2,000 feet upstream of Southern Pacific Railroad	*26
Hebert Lateral:	
Approximately 2,000 feet downstream of Plant Road	*14
Just upstream of Plant Road	*16
Indian Bayou:	
Approximately 500 feet upstream of Coffey Road	*18
Approximately 6,000 feet upstream of Hickory Branch Road	*28
Lateral 2B East and Lateral 2B West:	
Just downstream of New State Highway 27	*15
At Old State Highway 27	*16
Little Indian Bayou:	
At an unnamed road approximately 1,300 feet upstream of confluence with Indian Bayou	*19
Approximately 3,600 feet upstream of Birdnest Road	*26
Manchester Lateral:	
At McCown Road	*15
Maple Fork:	
At U.S. Highway 90	*10
At Reeves Road	*15
Sabine River:	
Approximately 4,500 feet upstream of Southern Pacific Railroad	*11
Approximately 70,000 feet upstream of State Highway 12	*33
Sturrock Lateral:	
At confluence with Indian Bayou	*21
1,400 feet upstream of Hickory Branch Road	*25
West Fork of English Bayou:	
At confluence with East Fork of English Bayou	*14
Just upstream of Metzger Road	*22
30 West Main Lateral:	
At New State Highway 27	*16
At the intersection of Jude and Jerrie Streets	*17
Maps are available for inspection at the Department of Planning and Development, Government Building, 1015 Pithon Street, Lake Charles, Louisiana.	
MONTANA	
Billings (City), Yellowstone County (FEMA Docket No. 7230)	
Alkali Creek:	
At the City of Billings downstream—most corporate limits, approximately 1,100 feet downstream of Main Street	*3,129

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 4,000 feet upstream of Blonco Court	*3,244
Maps are available for inspection at the City of Billings Building Department, 510 North 29th, Billings, Montana.	
NEVADA	
Nye County (Unincorporated Areas) (FEMA Docket No. 7230)	
Slime Wash:	
Approximately 2,890 feet downstream of Depot Road	*5,887
Approximately 960 feet upstream of U.S. Highway 6	*6,147
Maps are available for inspection at the Nye County Planning Department, 1114 Globemallow Lane, Tonopah, Nevada.	
OREGON	
Deschutes County (and Incorporated Areas) (FEMA Docket No. 7230)	
Deschutes River (At Sunriver):	
Approximately 4 miles downstream of General Patch Bridge	*4,161
At General Patch Bridge	*4,164
Approximately 1.7 miles upstream of General Patch Bridge	*4,166
Maps are available for inspection at the Deschutes County Community Development Department, 1130 Northwest Harriman, Bend, Oregon.	

(Catalog of Federal Domestic Assistance No. 83.100, Flood Insurance)

Dated: February 19, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98–5263 Filed 2–27–98; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 24

[WT Docket No. 97–82, FCC 98–28]

Installment Payment Financing for Personal Communications Services (PCS) Licensees

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission changed the February 26, 1998 election deadline for broadband Personal Communications Services (PCS) C block licensees to elect to continue under the existing installment payment plan or to elect one of the three alternative payment options. The deadline will be 60 days after publication of the Commission's forthcoming *Order on Reconsideration* in the **Federal Register**. The Commission also changed the payment resumption date for C and F block licensees to at least 30 days after the revised election date.

DATES: Effective February 24, 1998.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: David Shiffrin, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: The following is a synopsis of an *Order* in WT Docket No. 97–82, FCC 98–28 which was adopted on February 24, 1998 and released on February 24, 1998. A copy of the complete item is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857–3800. The complete *Order* also is available on the Commission's Internet home page (http://www.fcc.gov).

Summary of Action

1. On September 25, 1997, the Commission adopted a *Second Report and Order and Further Notice of Proposed Rule Making,* 62 FR 55348, October 24, 1997 (''*Second Report and Order*'') which established January 15, 1998 as the deadline for broadband Personal Communications Services (PCS) C block licensees to elect to continue under the existing installment payment plan or to elect one of the three alternative payment options. On January 7, 1998, we changed that election date to February 26, 1998 in order to allow us time to respond to petitions seeking reconsideration of the *Second Report and Order. See Order,* 63 FR 2170, January 14, 1998. In the *Order,* we stated that ''[m]oving the election date will serve the public interest by permitting licensees to submit their election after final disposition of arguments raised on reconsideration.''

2. Although we initially believed a February 26 election date would provide us sufficient time to respond to the arguments raised by petitioners, we now find it will take additional time to consider the numerous and wide-ranging issues involved. In their joint petition for reconsideration, Northern Michigan PCS Consortium L.L.C. and Wireless 2000, Inc. request that we extend the election deadline to a date that is 60 days after issuance of the reconsideration order. We agree with these petitioners that 60 days would provide licensees an adequate review period. Accordingly, we will move the election date for C block licensees to 60 days after publication of our forthcoming *Order on Reconsideration* in the **Federal Register**.

3. In order to provide licensees adequate time between the election date and the resumption of payment deadline, we will move the March 31, 1998 payment deadline for both C and F block licensees to a date that is at least 30 days after the revised election date. To avoid any potential confusion, the specific dates for election and payment resumption will be set forth in a public notice issued under delegated authority by the Wireless Telecommunications Bureau.

4. Accordingly, *It Is Ordered* that, pursuant to sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 309(j), the election deadline for C block licensees and the March 31, 1998 payment deadline for C and F block licensees are extended as specified herein and the petition for reconsideration filed by Northern Michigan PCS Consortium L.L.C. and Wireless 2000, Inc. is hereby *Granted in Part.* This Order shall become effective upon its release. *See* 5 U.S.C. 553(d)(1).

List of Subjects

47 CFR Part 1

Practice and procedure.

47 CFR Part 24

Personal Communications Service.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–5335 Filed 2–27–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 970930235–8028–02; I.D. 022498A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS closes the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone (EEZ) in the Florida west coast subzone. This closure is necessary to protect the overfished Gulf king mackerel resource.

DATES: Effective 6:00 p.m., local time, February 24, 1998, through June 30, 1998.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–570–5305

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS recently implemented (63 FR 8353, February 19, 1998) a commercial quota for the Gulf of Mexico migratory group of king mackerel in the Florida west coast subzone of 1.17 million lb (0.53 million kg). That quota was further divided into two equal quotas of 585,000 lb (265,352 kg) for vessels in each of two groups by gear types—vessels fishing with run-around gillnets and those using hook-and-line gear (50 CFR 622.42(c)(1)(i)(A)(*2*)). The fishery was opened February 20, 1998 (63 FR 9158, February 24, 1998), to allow harvest of the remaining balance between the newly implemented quota and former, lower quota of 432,500 lb (196,179 kg).

In accordance with 50 CFR 622.43(a)(3), NMFS is required to close any segment of the king mackerel commercial fishery when its allocation or quota is reached or is projected to be reached by publishing a notification in the **Federal Register**. NMFS has determined that the commercial quota of 585,000 lb (265,352 kg) for Gulf group king mackerel for vessels using run-around gillnets in the Florida west coast subzone was reached on February 23, 1998. Accordingly, the commercial fishery for king mackerel for such vessels in the Florida west coast subzone is closed effective 6:00 p.m., local time, February 24, 1998, through June 30, 1998, the end of the fishing year.

The Florida west coast subzone extends from 87°31'06'' W. long. (due south of the Alabama/Florida boundary) to: (1) 25°20.4' N. lat. (due east of the Dade/Monroe County, FL, boundary) through March 31, 1998; and (2) 25°48' N. lat. (due west of the Monroe/Collier County, FL, boundary) from April 1, 1998, through October 31, 1998.

Classification

This action is taken under 50 CFR 622.43(a)(3) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 24, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–5183 Filed 2–24–98; 3:20 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 980129023–8023–01; I.D. 121997B]

RIN: 0648–AJ74

Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery; Interim Prohibition on Certain Vessels Landing Lobster in Excess of Specified Limits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS issues this interim final rule to implement Congressionally mandated regulations contained in the Sustainable Fisheries Act (SFA), which amended the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act). The interim final rule implements regulations that prohibit any vessel that takes lobster in the Exclusive Economic Zone (EEZ) by a method other than pots or traps from landing lobsters (or any parts thereof) at any location within the United States in excess of 100 lobsters (or parts thereof) for each fishing trip of 24 hours, or less duration, 500 lobsters (or parts thereof) during any 5-day period; or 500 lobsters (or parts thereof) for each fishing trip of 5 days or longer.

DATES: Effective March 1, 1998. Written comments must be received on or before April 1, 1998. Comments will be considered by NMFS during separate and forthcoming proposed regulations to end overfishing of American lobsters by all methods of harvest in the EEZ.

ADDRESSES: Comments on the rule should be sent to, and copies of the environmental assessment/regulatory impact review (EA/RIR) are available from, Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, 8484 Georgia Avenue, Suite 425, Silver Spring, MD 20910–3282.

FOR FURTHER INFORMATION CONTACT: Tom Meyer, Telephone 301–427–2014

SUPPLEMENTARY INFORMATION:

Background

On October 11, 1996, the Sustainable Fisheries Act (SFA) was signed into law (Pub. L. 104–297). The SFA amended, among other statutes, the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 *et seq.*). Section 404(c) of the SFA amended the Atlantic Coastal Act by adding a new section 810 to require that, if no regulations have been issued under section 804(b) of the Atlantic Coastal Act by December 31, 1997, to implement a coastal fishery management plan for American lobster, the Secretary of Commerce (Secretary) shall issue interim regulations before March 1, 1998, that will prohibit any vessel that takes lobsters in the EEZ by a method other than pots or traps from landing lobsters (or any parts thereof) at any location within the United States in excess of 100 lobsters (or parts thereof) for each fishing trip of 24–hours, or less duration, 500 lobsters (or parts thereof) during any 5-day period, or 500 lobsters (or parts thereof) for a trip of 5 days or longer. Additionally, the Secretary, before January 1, 1998, shall monitor, on a timely basis, landings of American lobster, and, if the Secretary determines that catches from vessels that take

lobsters in the EEZ by a method other than pots or traps have increased significantly, then the Secretary may, consistent with the national standards in section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act)(16 U.S.C. 1801) and after opportunity for public comment and consultation with the Atlantic States Marine Fisheries Commission (ASMFC), implement regulations under section 804(b) of the Atlantic Coastal Act that are necessary for the conservation of American lobster. Regulations issued under section 810 of the Atlantic Coastal Act shall remain in effect until the Secretary implements regulations under section 804(b) of the Atlantic Coastal Act to implement a coastal fishery management plan for American lobster.

Discussion

The ASMFC's Amendment 3 to the Fishery Management Plan for American Lobster (Lobster Plan) was approved by ASMFC on December 12, 1997. NMFS participated in the development of the Lobster Plan, and, therefore, until the Lobster Plan was completed, could not develop regulations compatible with ASMFC's plan under section 804(b) of the Atlantic Coastal Act. Since approval of Amendment 3, NMFS has begun developing regulations under section 804(b) of the Atlantic Coastal Act, but these regulations will not be in place by March 1, 1998. Therefore, the Congressionally mandated interim regulations contained herein are being issued under section 810(a) of the Atlantic Coastal Act until regulations under section 804(b) are completed. These interim regulations will be one of the alternatives assessed in developing regulations under section 804(b).

This interim final rule consists of definitions of terms and three prohibitions that apply to vessels that take lobsters in the EEZ by any method other than pots or traps. The first prohibition applies to fishing trips of 24 hours, or less in duration, and implements a landing limit of 100 lobsters, or parts thereof, for each such trip. The second prohibition applies to any 5-day period, and implements a landing limit of 500 lobster, or parts thereof. The third prohibition applies to fishing trips longer than 5 days and implements a 500 lobster, or parts thereof, landing limit for any trip longer than 5 days. This interim final rule does not supersede the existing regulations under the Magnuson-Stevens Act that appear at 50 CFR part 648 and 649, including applicability to vessels that have lobster permits under 50 CFR 649.4.

Classification

This rule is consistent with 5107b of the Atlantic Coastal Fisheries Cooperative Management Act.

Under authority of 5 U.S.C 553(b)(B), NMFS is waiving the requirement to provide prior notice and an opportunity for public comment as these procedures are unnecessary. This rule and its provisions are mandated by the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 *et seq*.). NMFS has no discretion in implementing the provisions of this statute; therefore, prior notice and comment are unnecessary, as NMFS has no authority to alter any provisions of the statute. However, NMFS is requesting comments on this rule for consideration during the development of separate and forthcoming proposed regulations to end overfishing of American lobsters by all methods of harvest in the EEZ. Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds for good cause that a full 30-day delay in the effective date of this rule is unnecessary because the possession limits implemented herein are not a requirement for which regulated entities require time to come into compliance.

Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. Therefore, no initial regulatory flexibility analysis was prepared.

This interim final rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 697

Administrative practice and procedure, Fisheries, Fishing.

Dated: February 25, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

For the reasons set out in the preamble, 50 CFR part 697 is amended as follows:

PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

1. The authority citation for part 697 continues to read as follows:

Authority: 16 U.S.C. 1851 note; 16 U.S.C. 5101 *et seq.*

2. In § 697.2, definitions for ''American lobster,'' ''Fishing trip,'' ''Parts thereof,'' ''Pot or Trap,'' are added, in alphabetical order, to read as follows:

§ 697.2 Definitions.

* * * * *

American lobster or*lobster* means the species *Homarus americanus*.

* * * * *

Fishing trip or *trip* means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

* * * * *

Parts thereof means any part of an American lobster.

* * * * *

Pot or Trap means any structure or other device that, other than a net, is placed on the ocean bottom and is designed to or is capable of catching lobsters.

* * * * *

3. In § 697.6, paragraph (c) is added to read as follows:

§ 697.6 Prohibitions.

* * * * *

(c) *American Lobster fishery*. In addition to the prohibitions set forth in § 600.725 of this chapter and the restrictions set forth in § 648.80 of this chapter, it is unlawful for a vessel that has a vessel permit issued under 50 CFR 649.4, that takes lobsters by any method other than pots or traps, or that takes lobsters on a fishing trip in the EEZ by any method other than pots or traps to do any of the following:

(1) For each fishing trip of 24 hours or less duration, land American lobsters in excess of 100 lobsters, or parts thereof.

(2) During any 5-day period, land American lobsters in excess of 500 lobsters, or parts thereof.

(3) For each fishing trip of 5 or more days duration, land American lobsters in excess of 500 lobsters, or parts thereof.

[FR Doc. 98–5319 Filed 2–25–98; 3:11 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 40
Monday, March 2, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–116–AD]

RIN 2120–AA64

Airworthiness Directives; SAFT America Inc. Part Number (P/N) 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) Nickel Cadmium Batteries

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to SAFT America Inc. P/N 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) nickel cadmium batteries that are installed on aircraft. The proposed AD would require replacing all battery terminal screws, verifying that the battery contains design specification cells, and replacing the cells if the battery contains non-design specification cells. The proposed AD is the result of an incident where the cell screws on one of the affected batteries were exposed to chloride, which caused the heads of some fasteners to shear off and eventually resulted in the battery exploding. The actions specified by the proposed AD are intended to prevent such an occurrence, which could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the aircraft primary power source.

DATES: Comments must be received on or before May 8, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–116–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from SAFT America Inc., 711 Industrial Boulevard, Valdosta, Georgia 31601; telephone: (912) 245–2820; facsimile: (912) 245–2827. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Hector Hernandez, Aerospace Engineer, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6069; facsimile: (770) 703 6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–116–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–116–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received a report of an incident where a certain SAFT America Inc. nickel cadmium battery (installed on a McDonnell Douglas DC–9 aircraft) exploded during preflight. Examination revealed that the battery cell (terminal) screws were exposed to chloride. This caused the socket head of some fasteners to shear off.

Sheared fastener heads cause the possibility of other hardware in the battery to come into contact with the negative and positive battery terminals. This causes shorting of the battery with possible explosion.

The SAFT America Inc. batteries affected that are susceptible to this problem are part number (P/N) 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03).

Relevant Service Information

SAFT America Inc. has issued SAFT Aviation Batteries Mandatory Service Bulletin Document No. A00027, Rev. F, dated January 15, 1998, which specifies procedures for replacing all terminal screws in an affected battery and verifying that the battery contains design specification cells.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service bulletin, the FAA has determined that AD action should be taken to prevent the battery from shorting out or exploding if the heads of fasteners become sheared off. This could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the aircraft primary power source.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or

develop in aircraft that have a SAFT P/N 021929–000 (McDonnell Douglas P/N 43BO34LB02) or P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) nickel cadmium battery installed, the FAA is proposing AD action. The proposed AD would require replacing all battery terminal screws, verifying that the battery contains design specification cells, and replacing the cells if the battery contains non-design specification cells. Accomplishment of the proposed actions would be in accordance with the previously referenced service information.

Cost Impact

The FAA estimates that 1,004 aircraft in the U.S. registry could have at least one of the affected batteries installed and would be affected by the proposed AD, that it would take approximately 16 workhours per aircraft to accomplish the proposed actions, and that the average labor rate is approximately $60 an hour. Parts cost approximately $78 per battery (two batteries per aircraft = $156). Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,120,464, or $1,116 per aircraft if all aircraft have two batteries installed.

Compliance Time of the Proposed AD

The unsafe condition specified by the proposed AD is caused by corrosion. Corrosion can occur regardless of whether the aircraft is in operation or is in storage. Therefore, to assure that the unsafe condition specified in the proposed AD does not go undetected for a long period of time, the compliance is presented in calendar time instead of hours time-in-service (TIS).

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Saft America Inc.: Docket No. 97–CE–116–AD.

Applicability: Part Number (P/N) 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) Nickel Cadmium Batteries that are installed on, but not limited to, McDonnell Douglas DC–9 and MD–80 aircraft, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision that incorporates one of the affected batteries, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required at the next scheduled battery maintenance that occurs 3 calendar months after the effective date of this AD or within the next 15 calendar months after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent the battery from shorting out or exploding if the heads of fasteners become sheared off, which could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the aircraft primary power source, accomplish the following:

(a) Replace all battery terminal screws, verify that the battery contains design specification cells, and replace the cells if the battery contains non-design specification cells. Accomplish these actions in accordance with the INSTRUCTIONS section of SAFT Aviation Batteries Mandatory Service Bulletin Document No. A00027, Rev F, dated January 15, 1998.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to SAFT America Inc., 711 Industrial Boulevard, Valdosta, Georgia 31601; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 23, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5203 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–141–AD]

RIN 2120–AA64

Airworthiness Directives; Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A. Model P–180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A. (Piaggio) Model

P–180 airplanes. The proposed action would require modifying the low pitch stop switch support. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by the proposed AD are intended to prevent low pitch stop switch support displacement, which if not corrected, could result in an improper cockpit indication that the propeller is in the Beta range and cause loss of control of the airplane.

DATES: Comments must be received on or before April 10, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–141–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A., Via Cibrario, 4 16154 Genoa, Italy. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. David O. Keenan , Project Officer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97-CE–141-AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–141–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Registro Aeronautico Italiano (R.A.I.), which is the airworthiness authority for Italy, notified the FAA that an unsafe condition may exist on certain Piaggio Model P–180 airplanes. The R.A.I. reports that the low pitch stop switch support may come loose in these airplanes. The activating rod of the low pitch stop switch is supported at one end by a steel bushing. It is possible for the bushing to enlarge, which would allow rotation and displacement of the activating rod. This condition, if not corrected, could result in an improper cockpit indication as to whether or not the propeller is in the Beta range and possibly cause loss of control of the airplane.

Relevant Service Information

Piaggio has issued Service Bulletin No. SB–80–0080, dated July 3, 1997, which specifies procedures for modifying the low pitch stop switch support by installing a retaining plate that locks the steel bushing in place.

The R.A.I. classified this service bulletin as mandatory and issued Italian AD 97–217, dated July 28, 1997, in order to assure the continued airworthiness of these airplanes in Italy.

The FAA's Determination

This airplane model is manufactured in Italy and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the R.A.I. has kept the FAA informed of the situation described above.

The FAA has examined the findings of the R.A.I., reviewed all available information, including the service information referenced above, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Piaggio Model P–180 airplanes of the same type design registered in the United States, the proposed AD would require modifying the low pitch stop switch support. Accomplishment of the proposed modification would be in accordance with Piaggio Service Bulletin No. SB–80–0080, dated July 3, 1997.

Cost Impact

The FAA estimates that 5 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 6 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $100.00 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,300 or $460 per airplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Industrie Aeronautiche E Meccaniche Rinaldo Piaggio S.P.A: Docket No. 97–CE–141–AD.

Applicability: Model P–180 airplanes (serial numbers 1001, 1002, 1004, and 1006 through 1033), certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 150 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent low pitch stop switch support displacement, which if not corrected, could result in an improper cockpit indication that the propeller is in the Beta range and cause loss of control of the airplane, accomplish the following:

(a) Modify the low pitch stop switch support in accordance with I.A.M. Rinaldo Piaggio Service Bulletin No. SB–80–0080; Original Issue: July 3, 1997.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) Questions or technical information related to Piaggio Service Bulletin No. SB–80–0080, dated July 3, 1997, should be directed to I.A.M. Rinaldo Piaggio S.p.A., Via Cibrario, 4 16154 Geona, Italy. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in Italian AD 97–217, dated July 28, 1997.

Issued in Kansas City, Missouri, on February 23, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5202 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–13–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Part 2004

Proposed Revisions to the Agency's Freedom of Information Act Regulations

AGENCY: The Office of the United States Trade Representative.

ACTION: Proposed rule.

SUMMARY: This document sets forth proposed revisions of the Office of the United States Trade Representative's (''USTR'') regulations under the Freedom of Information Act (FOIA). The proposed revisions reflect the principles established by President Clinton and Attorney General Reno in their FOIA Policy Memoranda of October 4, 1993. The proposed regulations also reflect updated cost figures to be used in calculating and charging fees. Additionally, the proposed regulations contain new provisions implementing the Electronic Freedom of Information Act Amendments of 1996.

DATES: Submit comments on or before April 1, 1998.

ADDRESSES: Address all comments concerning this proposed rule to Elizabeth Hyman, Office of the General Counsel, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Hyman at (202) 395–3432.

SUPPLEMENTARY INFORMATION: This document sets forth proposed revisions of the Office of the United States Trade Representative's regulations under the Freedom of Information Act.

New provisions implementing the Electronic Freedom of Information Act Amendments of 1996 are found at § 2004.3(c)(4) (electronic reading room), § 2004.6 (timing of response), § 2004.5(b) and § 2004.13(c) (deletion marking), § 2004.5(c)(2) (volume estimation), § 2004.3(b)(2) and § 2004.8(b)(3) (format of disclosure), and § 2004.8(b)(8) (electronic searches). For specific sections and subsections implementing of the regulations implementing the Electronic Freedom of Information Act Amendments of 1996, the following effective dates apply:

Section 2004.3(c)(4)—electronic reading room—November 1, 1997

Section 2004.6(d), (e), and (f)—processing requests under unusual circumstances, multi-track systems, and with expedited treatment—October 2, 1997; and

Section 2004.5(c)(2)—Volume estimation—October 2, 1997.

Regulatory Flexibility Act

The United States Trade Representative, in accordance with the Regulatory Flexibility Act (5 U.S.C. 606(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant impact on a substantial number of small entities. This is because costs assessed by USTR will be nominal. Under the Freedom of Information Act, agencies may recover only the direct costs for searching for, reviewing, and duplicating the records processed for requesters. Further, the ''small entities'' that make FOIA requests, as compared with individual requesters and other requesters, are relatively few in number.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, Sec. 1(b), Principles of Regulation. The Office of Management and Budget has determined that this rule is a ''significant regulatory action'' under Executive Order 12866, Sec. 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by that office.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by Sec. 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

This part does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 15 CFR Part 2004

Freedom of information.

For the reasons stated in the preamble, the Office of the United States Trade Representative proposes to amend 15 CFR Ch. XX by revising Part 2004 to read as follows:

PART 2004—FREEDOM OF INFORMATION POLICIES AND PROCEDURES

Subpart A—Procedures Regarding FOIA Requests to USTR

Subpart B—Rules governing disclosure

Authority: 5 U.S.C. 552, 31 U.S.C. 3717, 44 U.S.C. chapter 35.

Subpart A—Procedures Regarding FOIA Requests to USTR

§ 2004.1 General.

The Office of the United States Trade Representative (USTR) was established in the Executive Office of the President pursuant to the Trade Act of 1974, Public Law 93–618, as amended. That law describes the principal statutory functions of the Office and its organization. The agency's office is located at 600 17th Street, N.W., Washington, D.C. 20508. This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5 U.S.C., as amended. Information routinely provided to the public as part of a regular agency activity (for example, press releases issued by the Office of Public Affairs) may be provided to the public without following this subpart. As a matter of policy, USTR makes discretionary disclosures of records or information exempt under the FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court.

§ 2004.2 Public reading room.

USTR maintains a public reading room at 600 17th Street, N.W., Washington, D.C. The reading room contains records that the FOIA requires to be made regularly available for public inspection and copying.

§ 2004.3 Material available to the public.

(a) *In general.* Nonexempt records released under the authority of this part are considered to be in the public domain. (See § 2004.13 to determine what exemptions may be applied under FOIA.) Such records may also be made available in the USTR reading room in paper form, as well as electronically to facilitate public access (described in paragraph (c) of this section). Discretionary releases to FOIA requesters constitute a waiver of the FOIA exemptions that otherwise apply. Disclosure to a properly constituted advisory committee, to Congress, to foreign governments or multilateral organizations, or other Federal agencies does not waive the exemption.

(b) *Creating a record.* (1) A record must exist and be in the possession of USTR at the time of the request to be considered subject to this part and the FOIA. There is no obligation to create, compile, or obtain from outside the agency a record to satisfy a FOIA request.

(2) In regard to electronic data, the issue of whether records are actually created or merely extracted from an existing database is not always readily apparent. Consequently, when responding to FOIA requests for electronic data where creation of a record, programming, or particular format become an issue, USTR shall apply a standard of ''reasonable efforts.'' In other words, if the capability exists to respond to the request and the effort would not significantly interfere with the operation of the agency's information systems, then the request should be processed. However, the request need not be processed where the capability to respond does not exist without a significant expenditure of resources, thus interfering with operations. A significant expenditure of resources in both time and manpower that would cause a significant interference with the operation of USTR's automated information system would exceed reasonable efforts.

(c) *Information available in the public reading room.* (1) *Index of available information.* USTR will maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is retained as a record and is required to be made available or published. Copies of the index are available upon request for a fee of the direct cost of duplication.

(2) *Availability of released records.* USTR will make available for public inspection and copying copies of records which have been released and which the agency determines, because of their subject matter, have become or are likely to become the subject of subsequent requests for substantially the same records.

(3) *Index of released materials.* USTRA will maintain and make available for public inspection and copying a general index of records which have been released and which USTR determines because of their subject matter have become or are likely to become the subject of subsequent requests for substantially the same records. The index will be available by computer telecommunications by December 31, 1999.

(4) *Electronic availability.* Records described in this paragraph (c)(4) which are created by USTR on or after November 1, 1996, will be made available by November 1, 1997, including by computer telecommunications, or if those have not been established, by other electronic means. Specifically the records are:

(i) Administrative staff manuals and instructions, or portions thereof, that establish USTR policy or intepretations of policy that affect a member of the public. This provision does not apply to instructions for employees on tactics and techniques to be used in performing their duties, or to instructions relating to the internal management of USTR.

(ii) Those requested records that have been released in part or in whole, which because of the nature of the subject matter, have become or are likely to

become the subject of subsequent requests for substantially the same records.

§ 2004.4 Requirements for making requests.

(a) All identifiable records of the Office of the United States Trade Representative (USTR) shall be made available to the public upon compliance with the procedures established in this part, except to the extent that a determination is made to withhold a record subject to exemption under 5 U.S.C. 552(b) and (c).

(b) All requests for records must be in writing and shall be addressed to Freedom of Information Officer, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

(c) *Description of records sought.* The requester must describe the records that he/she seeks in enough detail to enable USTR personnel to locate them with a reasonable amount of effort. Whenever possible, the request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if the requester desires records pertaining to a specific trade negotiation or dispute, he/she should provide the specific name of the proceeding or negotiation, and the nature of that case or matter. As a general rule, the greater the specificity about the records or type or records wanted, the more likely USTR will be able to locate those records in response to your request. If USTR determines that a request does not reasonably describe records, it shall notify the requester either of the additional information needed or explain why the request is otherwise insufficient. USTR also shall give the requester an opportunity to discuss the request so that it may be modified to meet the requirements of this section.

(d) *Agreement to pay fees.* If the requester makes a FOIA request, it shall be considered an agreement by the requester to pay all applicable fees charged under § 2004.9, unless he/she seeks a waiver of fees. USTR ordinarily will confirm this agreement in an acknowledgment letter. When making a request, the requester may state a willingness to pay a specific maximum amount without further consultation.

§ 2004.5 Responses to requests.

(a) *Acknowledgments of requests.* On receipt of a request, USTR ordinarily shall send an acknowledgment letter to the requester which shall confirm, or ask for confirmation, of the requester's agreement or willingness to pay fees under § 2004.9, and provide an assigned request number for further reference.

(b) *Consultations and referrals.* (1) *Determining the Origin of the Record.* When USTR receives a request for a record in its possession, it shall determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA and, if so, whether it should be disclosed as a matter of administrative discretion. If USTR determines that it is best able to respond to the request, then it shall do so. If USTR determines that it is not best able to process the record then it shall either respond to the request regarding that record after having consulted with the agency best able to determine whether to disclose it, and with any other agency that has a substantial interest in it; or USTR shall refer the responsibility for responding to the request to another agency that originated the record (but only if that agency is subject to the FOIA). Ordinarily the agency that originated a record will be presumed to be best able to determine whether to disclose it.

(2) *Notice of referral.* Whenever USTR refers all or any part of the responsibility for responding to a request to another agency, it ordinarily shall notify the requester of the referral, the agency to which the request has been referred, and the part of the request that has been referred.

(3) *Timing of responses to consultations and referrals.* All consultations and referrals will be handled according to the date the FOIA request by the first agency.

(b) *Grants of requests.* Once USTR makes a determination to grant a request in whole or in part, it shall notify the requester in writing. USTR shall inform the requester in the notice of any fee charged under § 2004.9 and shall disclose records to the requester promptly on payment of any applicable fee. Records disclosed in part shall be marked or annotated to show both the amount and the location of the information deleted wherever practicable.

(c) *Adverse determinations of the request.* If USTR makes an adverse determination denying the request in any respect, it shall notify the requester of that determination in writing. Adverse determinations, or denials of requests, consist of: a determination to withhold any requested document in part or in whole; a determination that a requested document does not exist or cannot be located; a determination that what has been requested is not a record subject to the Act; a determination on any disputed fee matter, including a denial of a request for a fee waiver; and a denial of a request for expedited treatment. The denial letter shall include:

(1) A brief statement of the reason(s) for the denial, including any FOIA exemption applied by USTR in denying the request;

(2) An estimate of the volume of records or information withheld, in number of pages or in some other reasonable form of estimation. This estimate does not need to be provided if the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption; and

(3) A statement that the denial may be appealed under § 2004.6 and a description of the requirements of that section.

§ 2004.6 Time limits and expedited processing.

(a) *In general.* USTR ordinarily shall respond to requests according to their order of receipt. USTR will not search for documents responsive to a request that were created after the date of receipt by USTR of the request.

(b) *Initial response and appeal.* Effective October 2, 1997, an initial response shall be made within 20 working days (i.e. exempting Saturdays, Sundays, and legal public holidays) after the receipt of a request for a record under this part by the Freedom of Information Officer or his designee. An appeal under § 2004.7 shall be decided within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such an appeal by the Appeals Committee.

(c) *Commencement of time limits.* The time limits for initial decision and for an appeal decision begins on the date the request or appeal is actually received by USTR. If requests or appeals are not properly marked ''Freedom of Information Request'' or ''Freedom of Information Act Appeal,'' or the request or appeal is inadvertently delayed in reaching the respective Freedom of Information Officer or the Appeals Committee, they will not be deemed received by USTR until actually received by the Freedom of Information Officer or Appeals Committee. In such events, the person making the request or appeal will be furnished a notice of the effective date of receipt.

(d) *Unusual circumstances.* (1) In unusual circumstances as specified in paragraph (d)(2) of this section, the Freedom of Information Officer or his designee may extend the time limits in paragraph (b) of this section by written notice to the person requiring a record

under this part. This notice shall set forth the reasons for such extension. No such notice shall specify a date which would result in an extension of either the initial determination period, or the appeal period, or both, for more than 10 working days. An opportunity will be provided to limit the scope of the request so that it may be processed within the time limit or to arrange an alternative time frame for processing the request or a modified request.

(2) As used in this section, ''unusual circumstances'' means, but only to the extent reasonably necessary to the proper processing of the particular request:

(i) The need to search for and collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultations, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the agency having substantial subject matter interest therein.

(3) Unusual circumstances do not include a delay that results from a predictable agency workload of requests, unless USTR demonstrates reasonable progress in reducing its backlog of pending requests. Refusal to reasonably modify a scope of a request or arrange an alternate time frame may affect a requestor's ability to obtain judicial review.

(e) *Multitrack processing.* USTR will ordinarily respond to requests according to order of receipt. When USTR has a significant number of pending requests that prevent a response determination from being made within 20 working days, the requests shall be processed in a multitrack processing system. USTR may use two or more processing tracks by distinguishing between simple and more complex requests based on the date of receipt, the amount of time and work involved in processing the requests, and whether the request qualifies for expedited processing as described in paragraph (f) of this section. USTR may provide requesters in its slower track(s) with an opportunity to limit the scope of their requests in order to quality for faster processing within the specified limits of USTR's faster track(s). USTR will contact the requester either by telephone or by letter, whichever is more efficient in each case. This multitrack processing system does not obviate the responsibility of USTR to exercise due diligence in processing requests in the most expeditious manner possible.

(f) *Expedited processing.* (1) Requests and appeals will be taken out of order and put into a separate queue for expedited treatment whenever it is determined they involve:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information to the public; or

(iii) The loss of substantial due process rights.

(2) A request for expedited processing may be made at the time of the initial request for records or at any later time. A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. For example, a requester within the category described in paragraph (f)(1)(ii) of this section, if not a full-time member of the news media, must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his or her sole occupation. A requester within the category described in paragraph (f)(1)(ii) of this section must also establish a particular urgency to inform the public about the government activity generally. The formality of certification may be waived as a matter of administrative discretion.

§ 2004.7 Administrative appeals.

(a) *Appeals of adverse determinations.* (1) The requester may appeal an adverse determination denying the request or referral in § 2004.5(b). The appeal must be in writing and it must be received by USTR within 60 days of the date of the letter from USTR denying the request. The appeal letter may include as much or as little related information as the requester wishes, so long as it clearly identifies the determination that is being appealed. For the quickest possible handling, the appeal letter and envelope should be marked ''Freedom of Information Act Appeal,'' and the letter of appeal should include the assigned request number referenced in § 2004.5(a).

(2) The Office of the United States Trade Representative has established an appeals process. An Assistant United States Trade Representative (AUSTR) shall review all appeals. In the event that the designated official participated in the adverse determination under review, or is otherwise unable to render judgement, he or she may choose one of two other senior officials of the agency (of the rank of Deputy Assistant United States Trade Representative or higher) also designated to carry out the function of appellate review. The senior officials serving as appellate officials may not simultaneously serve on the classification committee discussed in § 2004.12.

(b) Final determinations on appeals normally shall be made within 20 working days after receipt. When USTR has a significant number of appeals preventing a response determination within 20 working days, the appeals shall be processed based on the multi track system discussed in § 2004.6.

(c) If the appeal is granted, the person making the appeal shall be immediately notified and copies of the releasable documents shall be made available promptly thereafter upon receipt of appropriate fees as set forth in § 2004.9. If the appeal is denied in whole or part, the person making the request shall be immediately notified of the decision and of the provision of judicial review of USTR's denial of the request.

(d) In the event a determination is not issued within the appropriate time limit, and the person making the request chooses to initiate a court action against USTR, the administrative appeal process may continue.

§ 2004.8 Fees—definitions.

(a) *In general.* USTR will charge fees that recoup the full allowable direct costs it incurs. Moreover, it shall use the most efficient and least costly methods to comply with requests for documents made under the FOIA.

(b) *Definitions.* For purposes of this section:

(1) *Commercial use request* means a request from or on behalf of a person who seeks information for a use or purpose that furthers his or her commercial, trade, or profit interests, which can include furthering those interests through litigation. USTR shall determine, whenever reasonably possible, the use to which a requester will put the requested records. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because USTR has reasonable cause to doubt a requester's stated use, USTR shall provide the requester a

reasonable opportunity to submit further clarification.

(2) *Direct costs* means those expenses that an agency actually incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include, for example, the salary of the employees performing the work (the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating duplication machinery.

(3) *Duplication* means the making of a copy of a record, or the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, microform, audiovisual materials, or electronic records (for example magnetic tape or disk), among others. USTR shall honor a requester's specified preference of form or format of disclosure if the record is readily reproducible with reasonable efforts in the requested form or format by the office responding to the request.

(4) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, or an institution of professional education, or an institution of vocational education, that operates a program of scholarly research. To be in this category, a requester must show that the requester is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research.

(5) *Noncommercial scientific institution* means an institution that is not operated on a ''commercial'' basis, as that term is defined in paragraph (b)(1) of this section, and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

(6) *Representative of the news media, or news media requester,* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in instances where they can qualify as disseminators of ''news'') who make their products available for purchase or subscription by the general public. For ''freelance'' journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization. A publication contract would be the clearest proof, but USTR shall also look to the past publication record of a requester in making this determination. To be in this category, a requester must not be seeking the requested records for commercial use. However, a request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use.

(7) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. It also includes processing any record for disclosure—for example, doing all that is necessary to redact and prepare it for disclosure. Review costs are recoverable even if a record ultimately is not disclosed. Review time includes time spent considering any formal objection to disclosure made by a business submitter under § 2004.11, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(8) *Search* means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format. USTR shall ensure that searches are done in the most efficient and least expensive manner reasonably possible. For example, USTR shall not search line-by-line where duplicating a document would be quicker and less expensive.

§ 2004.9 Fee designations.

(a) *Fees.* USTR will charge fees as set forth in this paragraph (a) unless a fee is under paragraph (b) of this section or would be reduced under § 2004.10(e).

(1) *Manual searches for records.* For each quarter hour spent by clerical personnel in searching for and retrieving a requested record, the fee will be $3.50. Where such retrieval cannot be performed entirely by clerical personnel—for example, where the identification of records within the scope of a request requires the use of professional personnel—the fee will be $8.75 per quarter hour. Where the time of managerial personnel is required, the fee will be $10.25 per quarter hour.

(2) *Computer searches for records.* USTR will charge at the actual direct cost of providing the service. This will include the cost of operating the central processing unit (CPU) for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary apportionable to the search.

(3) *Review of records.* Only requesters who are seeking documents for commercial use may be charged for time spent reviewing records to determine whether they are exempt from mandatory disclosure. Charges may be assessed only for the initial review, i.e., the review undertaken the first time USTR analyzes the applicability of a specific exemption to a particular record or portion of a record. Records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review are assessable.

(4) *Duplication of records.* For paper copies, records will be duplicated at a rate of $.15 per page. For copies prepared by computer, such as diskettes, tapes, or printouts, USTR shall charge the actual cost, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, USTR will charge the actual direct costs of producing the document(s).

(5) *Other charges.* USTR will recover the full costs of providing services such as those enumerated in this paragraph (a)(5) when it elects to provide them.

(i) Certifying that records are true copies;

(ii) Sending records by special methods such as express mail.

(6) *Remittances.* Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Freedom of Information Officer, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

(7) A receipt for fees paid will be given upon request. A refund of fees paid for services actually rendered will not be made.

(b) *Limitations on charging fees* (1) No search fee will be charged for requests by educational institutions, noncommercial scientific institutions, or representatives of the news media.

(2) No search fee or review will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(3) Except for requesters seeking records for a commercial use, USTR will provide without charge: the first 100 pages of duplication (or the cost equivalent); and the first two hours search (or the cost equivalent).

(4) Whenever a total fee calculated under paragraph (c) of this section is $14.00 or less for any request, no fee will be charged.

(5) The provisions of paragraphs (b)(3) and (4) of this section work together. This means that for requesters other than those seeking records for a commercial use, no fee will be charged unless the cost of search in excess of two hours plus the cost of duplication in excess of 100 pages totals more than $14.00.

(c) *Notice of anticipated fees in excess of $25.00.* When USTR determines or estimates that the fees to be charged under this section will amount to more than $25.00, the USTR shall notify the requester of the actual or estimated amount of fees, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the USTR shall advise the requester that the estimated fee may be only a portion of the total fee. In cases in which a requester has been notified that actual or estimated fees may exceed $25.00, the request shall not be considered received and further work shall not be done on it until the requester agrees to pay the anticipated total fee. Any such agreement should be memorialized in writing. A notice under this paragraph will offer the requester an opportunity to discuss the matter with USTR in order to reformulate the request to meet the requester's needs at a lower cost.

§ 2004.10 Miscellaneous fee provisions.

(a) *Charging interest.* USTR may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the date of billing until payment is received by the USTR. USTR will follow the provisions of the Debt Collection Act of 1982, Public Law 97–265 (October 25, 1982), and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(b) *Aggregating requests.* Multiple requests involving related matters may be aggregated for two purposes. When USTR reasonably believes that a requester or, on rare occasions, a group of requesters acting in concert, is:

(1) Attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, USTR may aggregate any such requests and charge accordingly. One element to be considered in determining whether a belief would be reasonable is the time period over which the requests have occurred.

(2) When USTR reasonably believes that such a request constitutes a single request, which would otherwise satisfy the unusual circumstances set forth in § 2004.6(d), and the request involves clearly related matters. Multiple requests involving unrelated matters shall not be aggregated.

(c) *Charges for a search without disclosure.* USTR may assess charges for time spent searching, even if it fails to locate the records or if records located are determined to be exempt from disclosure. If USTR estimates that search charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Such a notice shall offer the requester the opportunity to confer with agency personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(d) *Advance payments.* USTR may not require a requester to make an advance payment, i.e., payment before work is commenced or continued on a request, unless:

(1) USTR estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. Then, USTR will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing). Then, USTR may require the requester to pay the full amount owed plus any applicable interest as provided in paragraph (a) of this section or demonstrate that he or she has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from the requester.

(3) When USTR acts under paragraph (d)(1) or (2) of this section, the administrative time limits prescribed in the FOIA, 5 U.S.C. 552(a)(6) (i.e., 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after USTR has received fee payments described in this paragraph (d).

(e) *Waiver or reduction of charges.* Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where it is determined that disclosure is in the interest of USTR or in the public interest because it is:

(1) Likely to contribute significantly to public understanding of the operations or activities of the Government and

(2) Is not primarily in the commercial interest of the requester.

Subpart B—Rules Governing Disclosure

§ 2004.11 Notification regarding requests for confidential business information.

(a) *In general.* Business information obtained by USTR from a submitter will be disclosed under the FOIA only consistent with the procedures established in this section.

(b) *Definitions.* For the purposes of this section:

(1) *Business information* means commercial or financial information obtained by USTR from a submitter that may be protected from disclosure under exemption 4 of the FOIA (*see* § 2004.13).

(2) *Submitter* means any person or entity from whom USTR obtains business information, directly or indirectly. The term includes but is not limited to corporations; state, local and tribal governments; and foreign governments.

(c) *Designation of business information.* A submitter of business information will use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time therafter, any portions of its submission that is considers to be protected from disclosure under exemption 4.

(d) *Notice to submitters.* USTR shall provide a submitter with prompt written notice of a FOIA request or administrative appeal that seeks its business information whenever required under paragraph (e) of this section, except as provided in paragraph (h) of this section, in order to give the submitter an opportunity to object to disclosure of any specified portion of that information under paragraph (f) of this section. The notice shall either describe the business information requested or include copies of the requested records or record portions containing the information.

(e) *Where notice is required.* Notice shall be given to the submitter wherever:

(1) The information has been designated in good faith by the submitter as information considered protected from disclosure under exemption 4; or

(2) USTR has reason to believe that the information may be protected from disclosure under exemption 4.

(f) *Opportunity to object to disclosure.* USTR will allow a submitter a reasonable period of time to respond to the notice described in paragraph (d) of this section. If a submitter has any objection to disclosure, it is required to submit a detailed written statement. The statement must specify all grounds for withholding any portion of the information under any exemption of the FOIA and, in the case of exemption 4, it must show why the information is a trade secret or commercial or financial information that is privileged or confidential. In the event that a submitter fails to respond to the notice within the time specified in it, the submitter will be considered to have no objection to disclosure of the information. In most cases this will result in a disclosure of information. Information provided by a submitter regarding the application of the exemption may itself be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* USTR shall consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose business information. Whenever USTR decides to disclose business information over the objection of a submitter, USTR shall give the submitter written notice, which shall include:

(1) A statement of reason(s) why each of the submitter's disclosure objections was not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which shall be a reasonable time subsequent to the notice.

(h) *Exceptions to notice requirements.* The notice requirements of paragraphs (d) and (g) of this section shall not apply if:

(1) USTR determined the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by statue (other than FOIA) or by a regulation issued in accordance with Executive Order 12600 (which pertains to agency rules, opinions, orders and proceedings); or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous—except that, in such a case, USTR shall, within a reasonable time prior to a specific disclosure date, give the submitter written notice of any final decision to disclose the information.

(i) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, USTR shall promptly notify the submitter.

(j) *Corresponding notice to requesters.* Whenever USTR provides a submitter with notice and an opportunity to object to disclosure under paragraph (d) of this section, USTR shall also notify the requester(s). Whenever USTR notifies a submitter of its intent to disclose requested information under paragraph (g), the USTR shall also notify the requester(s). Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the USTR shall notify the requester(s).

§ 2004.12 Classified information.

(a) A Classification Review Committee has been established within USTR to make determinations on the applicability of the exemption for classified documents. The Committee is composed of one Assistant U.S. Trade Representative representing a regional or bilateral office, the AUSTR for Trade Policy Coordination and a lawyer from the General Counsel's office.

(b) The applicability of the exemption for classified information, Exemption 1 of the FOIA, requires a determination that the record in question is specifically authorized under the criteria established by Executive Order 12958 to be kept classified and is in fact properly classified pursuant to that order. This determination shall be made whenever possible before the initial denial under § 2004.5. It must in any case be made prior to the decision of an appeal under § 2004.7. No denial should be based on the existence of a classification marking on the record, and there shall be a substantive review of the validity of the classification to the maximum extent feasible within the time limits for a denial under § 2004.6.

(c) Whenever a request is made for information that is classified, or may be appropriate for classification, by another agency under Executive Order 12958, or any other executive order concerning the classification of records, USTR shall refer the responsibility for responding to the request for such information to the agency that classified the information, or has the primary interest in it, as appropriate. Whenever a record contains information that has been derivatively classified by another agency, USTR shall refer the responsibility for responding to the request regarding that information to the agency that classified the underlying information. The person requesting the record will be advised of the date and the addressee of the referral.

(d) At the request of another agency, the Classification Review Committee will make recommendations on the release of material concerning ''national defense or foreign policy'' originally classified by another agency but which is of significant subject-matter interest to USTR.

§ 2004.13 Records which may be exempt from disclosure.

(a) The following categories of records maintained by USTR may be exempted from disclosure:

(1) Records specifically authorized under criteria established by an executive order to be kept confidential in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order.

(2) Records related solely to the internal personnel rules and practices of the agency.

(3) Records specifically exempted from disclosure by statute, including but not limited to information relating to trade negotiations exempted under 19 U.S.C. 2155(g)(1)(A) and B and 2155(g)(2).

(4) Records of trade secrets and commercial or financial information obtained from a person and which are privileged or confidential.

(5) Records which are inter-agency or intra-agency memorandums, letters, telegrams, or airgrams (or other forms of communication) which would not be available by law to a party other than an agency in litigation with the agency.

(6) Records such as personnel and medical files and similar files the public disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Such other records that fall within exceptions noted in 5 U.S.C. 552(b)(7), (8), and (9).

(b) Any reasonably segregable nonexempt portion of a record shall be provided to any person requesting such records after deletion of the portions which are exempt under paragraph (a) of this section. Normally a portion of a record shall be considered reasonably segregable when segregation can produce an intelligible record which is not distorted out of context and does not contradict the record being withheld.

(c) The amount of information deleted shall be indicated on the released

portion of the record, unless including that indication would harm an interest protected by the exemption in paragraph (a) of this section under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made.

§ 2004.14 Annual report to Congress.

(a) USTR shall compile FOIA statistics on a fiscal year basis beginning on October 1, 1997, and will submit this report to the Attorney General of the United States. The report will include:

(1) Number of requests received;

(2) Number of requests processed;

(3) The number of requests for records pending before USTR as of September 30 of the preceding year, and the median number of days that such requests had been pending before USTR as of that date;

(4) The number of appeals made by persons under the Act, the results of such appeals, and the reason for the action by USTR upon each appeal that results in a denial of information;

(5) A complete list of all statutes that USTR relies upon to authorize it to withhold information under the Act, a description of whether a court has upheld the decision of USTR to withhold information under each such statute, and a concise description of the scope of any information withheld;

(6) The total amount of fees collected by USTR for processing requests; and

(7) The number of full-time staff of USTR devoted to processing requests for records, and the total amount expended in terms of time and dollars by that staff in processing requests.

(b) USTR shall make the above report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by USTR, by other electronic means.

Susan Esserman,

General Counsel.

[FR Doc. 98–4046 Filed 2–27–98; 8:45 am]

BILLING CODE 3190–01–M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Occupational Safety and Health Review Commission proposes to supplement its existing rule establishing a Settlement Judge procedure, with a new procedure to be known as the Settlement Part which is intended to facilitate the settlement process in large and complex cases. This procedure would be instituted as a pilot program for a one-year trial period.

DATES: Comments must be received by April 16, 1998.

ADDRESSES: All comments concerning these proposed rules should be addressed to Earl R. Ohman, Jr., General Counsel, One Lafayette Center, 1120 20th St., NW., 9th Floor, Washington, DC 20036–3419.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, 202–606–5410.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Review Commission proposes to supplement its existing rule establishing a Settlement Judge procedure, 29 CFR § 2200.101, with a new procedure to be known as the Settlement Part which is intended to facilitate the settlement process in large and complex cases. This procedure would be instituted as a pilot program for a one year trial period. However, as the Commission currently is without a quorum, it will wait for a second Commission member before acting to put the pilot program into effect. Before commencing the pilot program, the Commission also intends to give several judges specialized training in settlement negotiation techniques and procedures. After the trial period, the Commission would evaluate the results and determine whether it should continue the Settlement Part procedure and, if so, what modifications should be made. The Settlement Part process is intended to provide a more structured and formal setting in which the possibility of settlement would be enhanced by requiring the parties at a preliminary stage in the proceedings to meet and confer with a judge who has full authority both to guide and assist the parties to a complete or partial resolution of the case and to assure the parties the confidentiality which is a necessary component of any successful settlement procedure. Unlike the existing Settlement Judge procedure, which requires the consent of the parties, proceedings under the Settlement Part will be compulsory in certain cases. For purposes of the pilot program, the Settlement Part procedure will be mandated for cases where the amount of the proposed penalties is at least $200,000 and in other cases where the Chief Administrative Law Judge deems the Settlement Part procedure to be appropriate. A settlement process which may be prescribed for the parties without a requirement for their prior consent has ample precedent. For example, the Courts of Appeals for the Third Circuit and the Eleventh Circuit have, respectively, an ''Appellate Mediation Program'' and an ''Appellate Conference Program'' under which the selection of cases for settlement negotiations is controlled by the court. An independent unit of the court in the Ninth Circuit staffed by mediators conducts settlement conferences as directed by the court (9th Cir. R. 33–1). In the Fourth (4th Cir. R. 33) Sixth (6th Cir. R. 18), and Tenth (10th Cir. R. 33.1) Circuits, the court determines whether a pre-argument settlement conference should be conducted. In the Eighth Circuit, such conferences are mandatory in most civil appeals (8th Cir. R. 33A). The Federal Energy Regulatory Commission or its Chief Administrative Law Judge may mandatorily assign a settlement judge even absent the consent of or a motion by any of the parties. 18 CFR § 385.603. The provisions of the Settlement Part are set forth here as a separate and distinct rule for purposes of clarity in the notice and comment process. The Commission will consider combining these provisions with those of the existing settlement rule so as to create a single rule governing settlement practice.

Development of the Proposed Rules

The Commission's experience has shown that, generally speaking, parties have not been able to agree to use the existing consensual Settlement Judge procedure except in relatively simple cases which do not raise novel or complex issues of law or fact. While the Commission appreciates that the parties in such cases may have found the Settlement Judge system to be helpful in resolving their dispute, the Commission is concerned about the increasing volume of cases which for complexity or other reasons demand a great deal of trial time and impose an appreciable burden on Commission resources. The proposed Settlement Part is designed to make available to the parties a mechanism for addressing the potential for settlement, either in full or in part, of issues arising under these cases.

Since this procedure is to be a pilot program, the number of cases processed under the Settlement Part must be controlled so as to provide a sample large enough for an accurate and thorough evaluation of the program but not so large as to overtax the number of judges that can be made available to serve in the Settlement Part. Based on the Commission's analysis of its existing and anticipated docket, the Commission

has concluded that mandating the Settlement Part procedure in all cases where the potential penalty liability is $200,000 or greater should be adequate to provide most of the cases needed for a successful test of the Settlement Part during this trial period.

Structure of the Settlement Part Procedure

With a few differences, proceedings under the Settlement Part parallel those prescribed by section 2200.101 for proceedings before settlement judges. During the settlement period, which is 60 days with one enlargement of 30 days permitted, parties and their representatives may meet privately with the Judge, and they or their agents with authority to settle on their behalf will be required to attend a settlement conference. If a full settlement is not achieved within the 60-day period or 30-day enlargement, the Settlement Part Judge will so inform the Chief Administrative Law Judge and will include in the case file any partial settlement that the parties may have been able to achieve. At this point, the Chief Administrative Law Judge will assign the case to a different Administrative Law Judge for further proceedings on all remaining issues. Unions, other representatives of employees, or employees who have elected party status are considered to be parties for purposes of proceedings under the Settlement Part.

Authority of the Settlement Part Judge

The Settlement Part Judge shall have full authority over the processing of the case including discovery and consideration of any motions which may be filed. All settlement negotiations and meetings with the parties, both jointly and individually, will be at the discretion of the Settlement Part Judge. The Settlement Part Judge will determine the best manner in which to facilitate settlement of the case, except for the settlement conference itself, which is mandatory.

Confidentiality

The Commission is aware that in order for settlement discussions to be fruitful, the parties must be assured of confidentiality with regard to matters that may be disclosed during settlement negotiations. The existing Settlement Judge rule, section 2200.101(c)(2), incorporates the requirement of Rule 408 of the Federal Rules of Evidence that evidence of conduct or statements made in settlement negotiations is not admissible and also prohibits the use in litigation of documents disclosed in the settlement process unless obtained by appropriate discovery or subpoena. It also precludes the Settlement Judge from discussing the merits of the case and being called as a witness. Paragraph (d)(3) of the proposed Settlement Judge Part contains an even stronger and more comprehensive confidentiality provision. Not only are evidence of conduct or statements and documents revealed during settlement negotiations protected from subsequent disclosure except with the consent of the parties, but the confidentiality provision also extends to any information which the parties wish to protect including information revealed during private meetings with the Settlement Part Judge as well as any material prepared by the Judge or in his possession and communications between the Settlement Part Judge and the Chief Administrative Law Judge. Furthermore, in addition to prohibiting the Settlement Part Judge from discussing the merits of the case outside of the settlement negotiations and appearing as a witness, the proposed Settlement Part rule would also protect from disclosure the final report of the Settlement Part Judge to the Chief Administrative Law Judge. The only exception to nondisclosure absent the consent of the parties is any settlement agreement, full or partial, which the parties achieve, which will be embodied in an appropriate order entered upon the record by the Settlement Part Judge.

Record of Proceedings

Consistent with the broad confidentiality and nondisclosure provisions, the Settlement Part rule further provides that no material protected from disclosure will be entered in the official case file maintained by the Executive Secretary and therefore will not be available for public inspection. The only exception to this requirement is that any order approving a full or partial settlement agreement will be considered part of the official case record.

Non-reviewability

Paragraph (g) of the proposed rule generally provides that interlocutory review will not be available in proceedings under this section.

List of Subject in 29 CFR Part 2200

Administrative practice and procedure, Hearing and appeal procedures.

For the reasons set forth in the preamble, the Occupational Safety and Health Review Commission proposes to amend Title 29, Chapter XX, Part 2200, Subpart M of the Code of Federal Regulations as follows:

PART 2200—RULES OF PROCEDURE

1. The authority citation continues to read as follows:

Authority: 29 U.S.C. 661(g)

2. Subpart G—Miscellaneous Provisions is amended by adding section 2200.109 to read as follows:

§ 2200.109 Settlement Part.

(a) *Applicability.* This section applies only to notices of contest by employers in which the aggregate amount of the penalties sought by the Secretary is $200,000 or greater and notices of contest by employers which are determined to be suitable for assignment under this section for reasons deemed appropriate by the Chief Administrative Law Judge.

(b) *Proceedings under this Part.* (1) Notwithstanding any other provision of these rules, following the filing of the pleadings the Chief Administrative Law Judge shall assign to the Settlement Part any case which satisfies the criteria set forth in paragraph (a) of this section. The Chief Administrative Law Judge shall either act as or appoint a Settlement Part Judge, who shall be a Judge other than the one assigned to hear and decide the case, to conduct proceedings under the Settlement Part as set forth in this section.

(2) The proceedings under the Settlement Part shall be for an initial period not to exceed 60 days but may be extended in accordance with paragraph (f)(1) of this section.

(c) *Powers and duties of Settlement Part Judges.* (1) The Judge shall confer with the parties on subjects and issues of whole or partial settlement of the case.

(2) The Judge shall seek resolution of as many of the issues in the case as is feasible.

(3) The Judge may require the parties to provide statements of the issues in controversy and the factual predicate for each party's position on each issue or may enter other orders as appropriate to facilitate the proceedings.

(4) The Judge may allow or suspend discovery during the time of assignment.

(5) The Judge may suggest privately to each attorney or other representative of a party what concessions his or her client should consider, and assess privately with each attorney or other representative the reasonableness of the party's case or settlement position.

(d) *Settlement conference*—(1) *General.* The Settlement Part Judge shall convene and preside over conferences between the parties. All settlement conferences shall be held in person. The

Judge shall designate a place and time of conference.

(2) *Participation in conference.* The Settlement Part Judge shall require that any attorney or other representative who is expected to try the case for each party be present. The Settlement Part Judge shall also require that the party's representative be accompanied by an official of the party having full settlement authority on behalf of the party. The parties and their representatives or attorneys are expected to be completely candid with the Settlement Judge so that he may properly guide settlement discussions. The failure to be present at a settlement conference or otherwise to comply with the orders of the Settlement Part Judge or the refusal to cooperate fully within the spirit of this rule may result in the imposition of sanctions under § 2200.41.

(3) *Confidentiality.* All statements made, and all information presented, during the course of proceedings under this section shall be regarded as confidential and shall not be divulged outside of these proceedings except with the consent of the parties. The Settlement Part Judge shall if necessary issue appropriate orders in accordance with § 2200.11 to protect confidentiality. The Settlement Part Judge shall not divulge any statements or information presented during private negotiations with a party or his representative except with the consent of that party. No evidence of statements or conduct in proceedings under this section within the scope of Federal Rule of Evidence 408, no notes or other material prepared by or maintained by the Settlement Part Judge, and no communications between the Settlement Part Judge and the Chief Administrative Law Judge including the report of the Settlement Part Judge under paragraph (e) of this section, will be admissible in any subsequent hearing except by stipulation of the parties. Documents disclosed in the settlement process may not be used in litigation unless obtained through appropriate discovery or subpoena. The Settlement Part Judge shall not discuss the merits of the case with any other person, nor appear as a witness in any hearing of the case.

(e) *Record of proceedings.* No material of any form required to be held confidential under paragraph (d)(3) of this section shall be considered part of the official case record required to be maintained under 29 U.S.C. § 661(g), nor shall any such material be open to public inspection as required by section 661(g), unless the parties otherwise stipulate. With the exception of an order approving the terms of any partial settlement agreed to between the parties as set forth in paragraph (f)(2) of this section, the Settlement Part Judge shall not file or cause to be filed in the official case record any material in his possession relating to these proceedings, including but not limited to communications with the Chief Administrative Law Judge and his report under paragraph (f) of this section, unless the parties otherwise stipulate.

(f) *Report of Settlement Part Judge.* (1) The Settlement Part Judge may request from the Chief Administrative Law Judge one enlargement of the time of the settlement period not exceeding 30 days if the Settlement Part Judge finds that the additional time may be helpful in achieving a settlement of all or part of the issues in the case. This request, and any action of the Chief Administrative Law Judge in response thereto, may be written or oral.

(2) The Settlement Part Judge, following the expiration of the settlement period or at such earlier date that he determines further negotiations would be fruitless, shall promptly notify the Chief Administrative Law Judge in writing of the status of the case. If the Settlement Judge has not approved a full settlement pursuant to § 2200.100, such report shall include copies of any written stipulations and orders embodying the terms of such partial settlement as has been achieved during the assignment.

(3) At the termination of the settlement period without a full settlement, the Chief Administrative Law Judge shall promptly assign the case to an Administrative Law Judge other than the Settlement Part Judge or Chief Administrative Law Judge for appropriate action on the remaining issues.

(g) *Non-reviewability.* Notwithstanding the provisions of § 2200.73 regarding interlocutory review, any decision concerning the assignment of a Settlement Part Judge or a particular Judge, any decision to request or to grant an enlargement of time under paragraph (e)(1) of this section, and any decision by the Settlement Part Judge to terminate proceedings under this section is not subject to review by, appeal to, or rehearing by any subsequent presiding officer, the Chief Administrative Law Judge, or the Commission.

Dated: February 24, 1998.

Stuart E. Weisberg,

Chairman.

[FR Doc. 98–5248 Filed 2–27–98; 8:45 am]

BILLING CODE 7600–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7238]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2796.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to

meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Alaska	Emmonak (City) Unorganized Borough.	Yukon River	Over the entire corporate limits of the City.	None	Δ20
Maps are available for inspection at the City Office, Emmonak, Alaska.					
Send comments to The Honorable Douglas Red Fox, Mayor, City of Emmonak, P.O. Box 9, Emmonak, Alaska 99581.					
Δ—To indicate mean seal level (approximate).					
Arkansas	Lakeview (Town) Phillips County.	White River	At the intersection of Center and Martin Luther King.	None	*173
			Approximately 1,500 feet east of the intersection of Martin Luther King and Maple.	None	*173
Maps are available for inspection at the Town of Lakeview Town Hall, 14264 Highway 44, Helena, Arkansas.					
Send comments to The Honorable Leon Phillips, Jr., Mayor, Town of Lakeview, 14264 Highway 44, Helena, Arkansas 72342.					
Arkansas	Phillips County (Unincorporated Areas).	Crooked Creek	At confluence with Lick Creek Just downstream of Quarles Lane.	None	*197
				None	*252
		Crook Creek Lateral ''A''	At confluence with Crooked Creek	None	*242
			Approximately 3,000 feet downstream of Hill Road.	None	#2
			Approximately 550 feet downstream of Hill Road.	None	*270
		Crooked Creek Lateral ''B''.	At confluence with Crooked Creek	None	*231
			Approximately 800 feet upstream of Kelsa Street.	None	*238
		Crooked Creek Lateral ''C''.	At confluence with Crooked Creek	None	*234
			Approximately 1,750 feet downstream from Sebastian Street.	None	*238
		Caney Creek	At confluence with Beaver Bayou Ditch	None	*183
			Approximately 4,250 feet upstream of Springdale Road.	None	*279
Arkansas		Caney Creek Lateral ''A''	Approximately 200 feet upstream of confluence with Caney Creek.	None	*232
			Approximately 2,000 feet upstream of County Highway 242.	None	*246
		Caney Creek Lateral ''C''	At confluence with Caney Creek	None	*205
			Just downstream of Little Rock Road	None	*210
		Caney Creek Lateral ''D''	At confluence with Caney Creek	None	*198
			Just downstream of Little Rock Road	None	*210
		Beaver Bayou Ditch	At Missouri Pacific Railroad	None	*173

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Just south of Missouri Pacific Railroad	None	*182
		Lick Creek	At confluence with Big Creek	None	*173
			Approximately 3,700 feet upstream of Missouri Pacific Railroad.	None	*199
		Freedonia Branch	Just downstream of U.S. Route 49	None	*212
			Approximately 2,200 feet upstream of Farm Road.	None	*230
		Main Outlet Ditch	Just upstream of Long Lake	None	*179
			Approximately 300 feet upstream of Missouri Pacific Railroad.	None	*182
		Mississippi River	At U.S. Highway 49	None	*197
			Approximately 2.75 miles upstream of U.S. Highway 49.	None	*198
Maps are available for inspection at 620 Cherry Street, Helena, Arkansas.					
Send comments to The Honorable Donald R. Gentry, Phillips County Judge, P.O. Box 391, Helena, Arkansas 72342.					
Arkansas	West Helena (City) Phillips County.	Crooked Creek	Just downstream of Airport Road	None	*228
		Crooked Creek Lateral ''A''.	Approximately 400 feet upstream of Mimosa Street.	None	*258
			Approximately 1,300 feet upstream of Mimosa Street.	None	*266
		Caney Creek	Approximately 300 feet downstream of Little Rock Road.	*201	*211
			Approximately 700 feet downstream of Highway 49.	None	*225
Arkansas	.....	.....	Approximately 200 feet upstream of Highway 49.	None	*232
		Caney Creek Lateral ''A''	Approximately 100 feet upstream of confluence with Caney Creek.	None	*232
		Caney Creek Lateral ''D''	Approximately 500 feet downstream of Little Rock Road.	None	*207
			Approximately 100 feet upstream of Little Rock Road.	*212	*211
Maps are available for inspection at the City of West Helena City Hall, 98 East Plaza, West Helena, Arkansas.					
Send comments to The Honorable Riley P. Porter, Mayor, City of West Helena, 98 East Plaza, West Helena, Arkansas 72390.					
California	Tulare County (Unincorporated Areas).	Kaweah River Overflow	Just above State Highway 198	*292	*186
			Approximately 200 feet upstream of Persian Ditch.	*292	*293
			Approximately 1,150 feet upstream of Shirk Road.	N/A	*299
Maps are available for inspection at the Tulare County Courthouse, 2800 West Burrell, Room 10, Visalia, California.					
Send comments to The Honorable Bill Mays, Chairman, Tulare County Board of Supervisors, 2800 West Burrell, Visalia, California 93291.					
California	Visalia (City) Tulare County.	Kaweah River Overflow	Just above State Highway 198	*292	*186
			Approximately 200 feet upstream of Persian Ditch.	*292	*293
			Approximately 1,150 feet upstream of Shirk Road.	N/A	*299
Maps are available for inspection at the City of Visalia Planning and Building Department, 707 West Acequia, Visalia, California.					
Send comments to The Honorable Mary Louise Vivier, Mayor, City of Visalia, 707 West Acequia, Visalia, California 93291.					
Kansas	Kansas City (City) .. Wyandotte County	Island Creek	At confluence with Missouri River	None	*766
			Just upstream of 123rd Street	None	*839
			Just upstream of Polfer Road (westernmost bridge).	None	*870
		Honey Creek	At confluence with Island Creek	None	*777
			Just upstream of Hubbard Street	None	*812
			Just upstream of 115th Street	None	*864

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Maps are available for inspection at 701 North Seventh Street, Fourth Floor, Room 421, Kansas City, Kansas.					
Send comments to The Honorable Carol Marinovich, Mayor, City of Kansas City, Odie McDowell Plaza, Kansas City, Kansas 66101.					
Louisiana	Robeline (Village) Natchitoches Parish.	Winn Creek	Approximately 1,200 feet downstream of abandoned railroad.	None	*141
			Approximately 1,500 feet upstream of Louisiana Highway 120.	None	*148
Maps are available for inspection at 122 Depot Street, Robeline, Louisiana.					
Send comments to The Honorable Tommy O'Con, Mayor, Village of Robeline, P.O. Box 217, Robeline, Louisiana 71469.					
Louisiana	Ville Platte (Town) Evangeline Parish.	Tributary No. 1	Approximately 5,000 feet above confluence with Bayou Joe Marcel (at the downstream corporate limit).	None	*65
			Approximately 7,000 feet above confluence with Bayou Joe Marcel.	None	*67
		Tributary No. 2	Approximately 900 feet above confluence with Bayou Joe Marcel.	None	*64
			Approximately 400 feet upstream of Reed Street.	None	*73
		Tributary No. 3	Approximately 500 feet above confluence with Bayou Joe Marcel.	N/A	*65
			Approximately 100 feet downstream of Northeast Avenue.	N/A	*74
		Coulee de Manuel	Approximately 70 feet downstream of the Louisiana Highway 10 bridge.	None	*68
			Approximately 170 feet upstream of the Louisiana Highway 10 bridge.	None	*68
Maps are available for inspection at 342 West Main Street, Ville Platte, Louisiana.					
Send comments to The Honorable Bennett Baquet, Mayor, Town of Ville Platte, P.O. Box 390, Ville, Platte, Louisiana 70586.					
Louisiana	Sulphur (City) Calcasieu Parish.	Sumpter Bayou	At confluence with Gilbert Lateral, approximately 1,800 feet downstream of Lightning Street.	*11	*11
			At western corporate limit, approximately 700 feet upstream of Drost Street.	*15	*12
Maps are available for inspection at the City of Sulphur Public Works Department, 500 North Huntington Street, Sulphur, Louisiana.					
Send comments to The Honorable Charles H. Reed, Mayor, City of Sulphur, P.O. Box 1309, Sulphur, Louisiana 70664.					
Montana	Ravalli County and Incorporated Areas.	Bitterroot River	At Ravalli-Missoula County boundary	*3,190	[1] +3,194
			Approximately 3,400 feet upstream of Stevensville cut-off.	*3,277	[1] +3,279
			Approximately 4,600 feet upstream of stevensville cut-off.	*3,279	[1] +3,280
			Just upstream of U.S. Highway 93	*3,514	[2] +3,517
			Approximately 4,400 feet upstream of West Bridge Road.	*3,558	[2] +3,558
			Approximately 1.2 miles upstream of West Bridge Road.	*3,565	[2] +3,563
			At U.S. Highway 93	*3,953	[3] +3,956
			Approximately 2.4 miles upstream of U.S. Highway 93.	None	[3] +4,002
		Left Branch of Bitterroot River.	At Ravalli-Missoula County boundary	None	[1] +3,194
			Approximately 1.5 miles upstream of Ravalli-Missoula County boundary.	None	[1] +3,203

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Maps are available for inspection at the City of Hamilton Office of Building Development, 223 South Second Street, Hamilton, Montana.					
Send comments to The Honorable Laurel Hegstad-Deschamps, Mayor, City of Hamilton, 223 South Second Street, Hamilton, Montana 59840.					
Maps are available for inspection at the Ravalli County Planning Office, 205 Bedford, Hamilton, Montana.					
Send comments to The Honorable Jack Atthowe, Chairman, Ravalli County Board of Commissioners, County Courthouse, 205 Bedford, Hamilton, Montana 59840.					
Maps are available for inspection at the City of Stevensville City Hall, 219 College, Stevensville, Montana.					
Send comments to The Honorable William H. Meisner, Mayor, City of Stevensville, P.O. Box 37, Stevensville, Montana 59870.					
Maps are available for inspection at the Town of Darby Town Hall, 101 East Tanner, Darby, Montana.					
Send comments to The Honorable Sharron Olson, Mayor, Town of Darby, P.O. Box 37, Darby, Montana 59829.					
[1] To convert from NAVD to NGVD, subtract 3.5 feet.					
[2] To convert from NAVD to NGVD, subtract 3.6 feet.					
[3] To convert from NAVD to NGVD, subtract 3.7 feet.					
Nebraska	Columbus (City) Platte County.	Loup River	Approximately 1,000 feet upstream of City of Columbus eastern extraterritorial limit.	*1,426	*1,425
			At City of Columbus western extraterritorial limit.	*1,464	*1,466
Maps are available for inspection at the City Engineer's Office, 2424 14th Street, Columbus, Nebraska.					
Send comments to The Honorable Gary Giebelhaus, Mayor, City of Columbus, P.O. Box 1677, Columbus, Nebraska 68602.					
Nebraska	Platte Center (Village) Platte County.	Elm Creek	Approximately 1,700 feet downstream of Fourth Street.	None	*1,530
			Just upstream of First Street	None	*1,546
		Shell Creek	At Union Pacific Railroad	None	*1,532
			Approximately 2,500 feet west of F Street	None	*1,532
Maps are available for inspection at the Village of Platte Center Auditorium, 315 Fourth Street, Platte Center, Nebraska.					
Send comments to The Honorable John Wemhoff, Mayor, Village of Platte Center, 315 Fourth Street, Route 1, Box 44, Platte Center, Nebraska 68653.					
Nebraska	Platte County (Unincorporated Areas).	Elm Creek	Approximately 1,700 feet downstream of Fourth Street.	None	*1,530
			Approximately 1 mile upstream of Platte County Route 381.	None	*1,558
		Shell Creek	Approximately 1 mile downstream of the Union Pacific Railroad.	None	*1,522
			Approximately 3,000 feet upstream of the Union Pacific Railroad.	None	*1,533
Maps are available for inspection at the Platte County Highway Department, 2610 14th Street, Columbus, Nebraska.					
Send comments to The Honorable Myron Frazen, Chairperson, Board of Supervisors, 2610 14th Street, Columbus, Nebraska 68601.					
Oklahoma	Hartshorne (City) Pittsburg County.	Blue Creek	Approximately 650 feet downstream of Seneca Avenue.	None	*673
			Just upstream of Modoc Avenue	None	*691
Maps are available for inspection at the City of Hartshorne City Hall, 1101 Penn Avenue, Hartshorne, Oklahoma.					
Send comments to The Honorable Tom Lordahl, Mayor, City of Hartshorne, City Hall, 1101 Penn Avenue, Hartshorne, Oklahoma 74547.					
Wyoming	Cokeville (Town) Lincoln County.	South Fork	Approximately 1,100 feet downstream of Pacific Street at the northwestern border of the Town of Cokeville corporate limits.	None	*6,186
			Approximately 1,200 feet upstream of U.S. Highway 30N at the northeastern border of the Town of Cokeville corporate limits.	None	*6,208
		Spring Creek	Approximately 3,000 feet downstream of East Main Street at the northern boundary of the Town of Cokeville corporate limits.	None	*6,181
Wyoming			Approximately 2,000 feet upstream of private drive at the northeastern border of the Town of Cokeville corporate limits.	None	*6,213

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Maps are available for inspection at the Town Clerk's Office, 110 Pine Street, Cokeville, Wyoming.					
Send comments to The Honorable Allan Burton, Mayor, Town of Cokeville, P.O. Box 99, Cokeville, Wyoming 83114.					
Wyoming	Lincoln County (Unincorporated Areas).	Smiths Fork	Approximately 2,600 feet downstream of Pacific Street.	None	*6,183
			Approximately 2,350 feet upstream of U.S. Highway 30N.	None	*6,217
		South Fork	Approximately 2,100 feet downstream of Union Pacific Railroad.	None	*6,183
			Approximately 1,600 feet upstream of U.S. Highway 30N.	None	*6,215
		Spring Creek	Approximately 2,800 feet upstream of U.S. Highway 30N.	None	*6,218
			Approximately 1,000 feet upstream of Union Pacific Railroad.	None	*6,180
Maps are available for inspection at the Lincoln County Planning Office, Beech Street and Topaz Avenue, Kemmerer, Wyoming.					
Send comments to The Honorable Jerry Harmon, Chairperson, Board of County Commissioners, Lincoln County, 925 Sage Street, Kemmerer, Wyoming 83101.					

(Catalog of Federal Domestic Assistance No. 83.100, Flood Insurance)

Dated: February 19, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98–5262 Filed 2–27–98; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 307

RIN 0970—AB71

Automated Data Processing Funding Limitation for Child Support Enforcement Systems

AGENCY: Office of State Systems (OSS), OPS, ACF, HHS.

ACTION: Notice of Proposed rulemaking.

SUMMARY: The Federal share of funding available at an 80 percent matching rate for child support enforcement automated systems changes resulting from the Personal Responsibility and Work Opportunity Reconciliation Act is limited to a total of $400,000,000 for fiscal years 1996 through 2001. This proposed rule responds to the requirement that the Secretary of Health and Human Services issue regulations which specify a formula for allocating this sum among the States, Territories and eligible systems.

DATES: Consideration will be given to written comments received by May 1, 1998.

ADDRESSES: Address comments to: Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, SW, Washington, DC, 20447. Attention: Mark Ragan, Director, Office of State Systems.

Comments will be available for public inspection Monday through Friday, 8 a.m. to 4:30 p.m. on the third floor of the Department's offices at 200 Independence Avenue, SW, Washington, DC, 20201.

FOR FURTHER INFORMATION CONTACT: Helen H. Smith, (202) 690–6639.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This proposed rule does not require information collection activities and, therefore, no approvals are necessary under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). In a separate transmittal, however, the Administration for Children and Families is submitting for approval the information collection activities under 45 CFR § 307.15 which is referenced in this proposed rule.

Statutory Authority

These proposed regulations are published under the authority of the Social Security Act (the Act), as amended by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA; Pub. L. 104–193) and section 5555 of the Balanced Budget Act of 1997 (Pub. L. 105–33). Section 344(b) of Pub. L. 104–193 amends section 455(a) of the Act to provide enhanced Federal matching for approved development and implementation costs of automated child support enforcement systems.

Section 344(b)(2) of PRWORA establishes a temporary limitation on payments under the special Federal matching rate of 80 percent. The Secretary of Health and Human Services may not pay more than $400,000,000 in the aggregate for approved systems development and implementation costs in fiscal years 1996 through 2001. Under this section the Secretary is also required to prescribe in regulation a formula for allocating the available $400,000,000 among the States. According to section 344(b)(2)(C) the formula for allocating the specified funds among the States shall take into account the relative size of State IV–D caseloads and the level of automation required to meet the IV–D automated data processing requirements. Section 5555 of The Balanced Budget Act of 1997 amends the requirements in this section of PRWORA to include certain systems in the allocation formula.

Regulatory Provisions

Background

With the enactment of the Family Support Act of 1988 (Pub. L. 100–485), States were required to have an operational child support enforcement system, certified by the Office of Child Support Enforcement (OCSE) as meeting the requirements specified in that statute and implementing regulations, no later than October 1, 1995. (Pub. L. 104–85 subsequently extended this deadline to October 1, 1997.) PRWORA specifies new requirements in section 454A of the Act which must be included in a State child support enforcement

system no later than October 1, 2000. The new automation requirements require State systems to perform functions including: Controlling and accounting of Federal, State and local funds to carry out the child support enforcement program; maintaining data necessary to meet Federal reporting requirements; maintaining data on State performance for calculation of performance indicators; safeguarding of the integrity and security of data in the automated system; developing a State case registry; performing data matches; and providing expedited administrative procedures. (PRWORA requires the establishment of State New Hire and State Disbursement Units but does not require them to be an integrated part of the Statewide automated child support system.)

For fiscal years 1996 through 2001, the Department of Health and Human Services (HHS) will reimburse 80 percent of approved State expenditures for development and implementation of automated systems which meet the requirements of section 454(16) of the Act as in effect on September 30, 1996 (i.e., Family Support Act requirements which must be completed by October 1, 1997), the amended section 454(16), and new section 454A of the Act. The Federal share of reimbursement to States is limited to an aggregate total of $400,000,000. Once a State reaches its allocated share of the $400,000,000, Federal funding remains available at the 66 percent rate for additional approved expenditures incurred in developing and implementing child support enforcement systems. Child Support Enforcement Action Transmittal 96–10 (OCSE–AT–96–10) provides instructions for submitting claims for Federal reimbursement at the 80 percent rate.

PRWORA requires the Secretary of Health and Human Services to issue regulations which specify a formula for allocating the $400,000,000 available at 80 percent FFP among the States and Territories. The Balanced Budget Act Amendments add specified systems to the entities included in the formula. The allocation formula must take into account the relative size of State and systems IV–D (child support enforcement) caseloads and the level of automation needed to meet title IV–D automated data processing requirements. Accordingly, we propose to revise 45 CFR Part 307 to include conforming changes and to add § 307.31.

Conditions That Must Be Met for 80 Percent Federal Financial Participation

Pub. L. 104–193 provides enhanced funds to complete development of child support enforcement systems which meet the requirements of both the Family Support Act and PRWORA. From this we conclude that no change in the conditions for receipt of funds was anticipated by Congress. Thus, we propose to retain in 45 CFR 307.31 the same conditions for receipt funds at 80 percent FFP which appear at § 307.30 (a), (b), (c), and (d) and apply to claims for FFP at the 90 percent rate.

Throughout this notice of proposed rulemaking we use ''State'' as the inclusive term for States, Territories and approved systems as described in 42 U.S.C. 655(a)(3)(B)(iii) (section 455(a)(3)(B)(iii) of the Act) as added to the Act by section 5555 of the Balanced Budget Act of 1997 (Pub. L. 105–33). The technical amendments to section 455(a)(3)(B) of the Act changed the entities included in the allocation formula by adding ''system'' to States and Territories. For purposes of this proposed rule, a system eligible for enhanced funding is a system approved by the Secretary to receive funding at the 90 percent rate for the purpose of developing a system that meets the requirements of section 454(16) of the Act (42 U.S.C. 654(16)) (as in effect on and after September 30, 1995) and section 454A of the Act (42 U.S.C. 654A), including a system that received funding for this purpose pursuant to a waiver under section 1115(a) of the Act (42 U.S.C. 1315(a)). We believe that the Los Angeles County child support enforcement system is the only non-State system which meets these requirements.

Therefore, the proposed § 307.31(a) provides that until September 30, 2001, Federal financial participation (FFP) is available at the 80 percent rate for expenditures for the planning, design, development, installation, or enhancement of a child support enforcement system meeting the requirements described in §§ 307.5 and 307.10. To receive Federal reimbursement: (1) A State must have an approved advance planning document (APD); (2) the system must meet the requirements of § 307.10; (3) OCSE must determine that the expenditures are consistent with the APD; (4) OCSE must also determine that the computerized support enforcement system is designed effectively and efficiently and will improve the management and administration of the State IV–D plan; (5) the State IV–D agency must agree in writing to use the system for a period of time which is consistent with the APD approved by OCSE; and (6) the State or local government must have ownership rights in any software, software modifications and associated documentation that is designed, developed, installed or enhanced with Federal funds.

In proposed § 307.31(b) the requirements for FFP at the 80 percent rate in the costs of hardware and proprietary software are the same as the requirements at the 90 percent rate. Until September 30, 2001, FFP at the 80 percent rate is available in expenditures for the rental or purchase of hardware for the planning, design, development, installation, or enhancement of a computerized support enforcement system as described in § 307.10. FFP at the 80 percent rate is available until September 30, 2001, for the rental or purchase of proprietary operating/vendor software necessary for the operation of hardware during the planning, design, development, installation, enhancement or operation of a child support enforcement system in accordance with the OCSE guideline entitled ''Automated Systems for Child Support Enforcement: A Guide for States.'' FFP at the 80 percent rate is not available, however, for proprietary application software developed specifically for a computerized support enforcement system.

With proposed § 307.31(c), the Department of Health and Human Services continues to reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for Federal Government purposes, software, software modifications, and documentation developed under § 307.10. This license permits the Department to authorize the use of software, software modifications and documentation developed under § 307.10 in another project or activity funded by the Federal Government.

Proposed § 307.31(d) reiterates the consequences of suspension of the APD. If OCSE suspends approval of an APD during the planning, design, development, installation, enhancement or operation of the system, FFP is disallowed as of the date the State failed to comply substantially with the approved APD. FFP at the 80 percent and applicable matching rates is not available for any expenditure incurred under the APD after the date of the suspension until the date OCSE determines that the State has taken the actions specified in the notice of suspension. OCSE will notify the State in writing upon making such a determination.

Note that for conformance, we propose to add to § 307.40(a) of the regulation a reference to ''§ 307.31(d).''

As required in section 344(a)(3) of PRWORA, the Administration for Children and Families is developing Federal regulations for the implementation of the child support enforcement systems requirements mandated by section 454A of the Social Security Act and listed in the background section above. We anticipate issuing proposed rules in the near future which will revise 45 CFR Part 307 to reflect these requirements.

These regulations specify the conditions that States must meet in order to receive funding (both enhanced and regular) and certification. Under these rules, we will set out provisions to: ensure the coordination of Federal financial participation and States' progress toward implementing PRWORA system requirements; hold States accountable for ensuring that their automation plans are effectively designed and implemented; and, enable States to produce the results envisioned under PRWORA. Because of the interrelationship between these two rules, ACF will assess comments on both rules and issue final rules in a coordinated manner.

In addition, ACF will revise the existing OCSE publication, ''Automated Systems for Child Support Enforcement: A Guide for States'' through the issuance of a series of action transmittals to explain the new and revised child support enforcement system functional requirements. Each action transmittal will be circulated in draft form for review and comment by the States before a final document is issued.

Limitation on Payments to States

Section 344(b)(2) of PRWORA limits the Federal share of payments at the 80 percent rate to $400,000,000 over fiscal years 1996 through 2001. The proposed § 307.31(e) therefore provides that FFP at the 80 percent rate may not exceed $400,000,000 in the aggregate for fiscal years 1996 through 2001.

We include the amount of the funding limitation in the regulation because it caps the funds available to each State at the special matching rate. The statute requires an allocation of the available $400,000,000 based on a formula established by the Secretary, HHS.

State implementation of all automated systems requirements enacted with the Family Support Act of 1988 is to be accomplished by October 1, 1997. Subsequent requirements enacted with or before PRWORA must be met by October 1, 2000. For fiscal years 1996 through 2001, the FFP rate for the provisions of this section is 80 percent. Although system implementation must be completed no later than October 1, 2000, Federal funds at the 80 percent FFP rate remain available through September 30, 2001, to accommodate contractually mandated ''holdback'' payments and other system implementation-related expenses.

As indicated above, FFP at the 80 percent rate is available only for expenditures made by a State on or before September 30, 2001, for system development and implementation activities which meet all statutory and regulatory requirements. Under section 1132 of the Act and Federal regulations at 45 CFR part 95, subpart A, States have two years from the end of a quarter in which an expenditure is made to file a claim for Federal funding for that cost. Therefore, approved system implementation expenditures made in 2001 may be claimed for Federal funding at the 80 percent FFP rate as late as 2003.

Allocation Formula

Section 344(b)(2)(C) of PRWORA requires the Secretary to allocate by formula the $400,000,000 available at the 80 percent FFP rate. This section specifies that the formula take into account the relative size of State IV–D caseloads and the level of automation needed to meet applicable automatic data processing requirements. The legislative history does not elaborate on the meaning of these factors.

The allocation formula proposed in this section is the product of consultation with a wide range of stakeholders. We sought information from child support enforcement systems experts, financial experts, economists, State IV–D directors, and national associations. Before drafting regulations we asked States to suggest approaches for allocating the available Federal share of the funds. In a number of open forums we sought suggestions for the allocation formula. An internal working group considered the information from States, reviewed the suggestions, then developed the proposed allocation formula.

Simply stated, the proposed formula first allots a base amount of $2,000,000 to each State to take into account the level of automation needed to meet the automated data processing requirements of title IV–D. The formula, then, allots an additional amount to States based on both their reported IV-D caseload and their potential caseload based on Census data on children living with one parent.

As indicated earlier, we use ''State'' as the inclusive term for States, Territories and systems described in 42 U.S.C. 655(a)(3)(B)(iii) (455(a)(3)(B)(iii) of the Act) as amended by section 5555 of the Balanced Budget Act of 1997. The technical amendments to section 455(a)(3)(B) of the Act changed the entities included in the allocation formula by adding ''system'' to States. As noted earlier, we believe that the Los Angeles County child support enforcement system is the only non-State system which meets the requirements specified in section 455(a)(3)(B)(iii) of the Act.

Before considering a base level of funding, we examined several approaches for taking into account States' level of automation. First, we contemplated allocating funds based on the certification status of a State's child support enforcement automated system. However, we were advised of several flaws in this approach: it does not reflect current automation needs; it could reward States that are behind schedule and not certified for Family Support Act standards by giving them a larger allocation to meet PRWORA requirements and complete their statewide automated systems; and, it could advantage States with certified but obsolete systems. We then considered establishing a ranking system based on dollars invested in systems to date. This approach is problematic because it penalizes States that were early developers of child support enforcement systems and it does not address the new requirements. We also considered grading States' systems on a set of criteria, but we came to believe that this was an overly complex approach with numerous and subjective variables.

As an alternative, several States suggested that the formula allocate a base amount to each State to take into account the level of automation. This is the approach we are proposing in the following formula.

Using a funding base and then varying the allocation by current and potential caseload reflects the flexibility States have, and have had, in designing their systems. Each State develops its system to meet its particular needs. Thus, each State's system development plan takes into account factors such as: caseload size; organization (county administered, state-administered, court involvement); State and local business practices for case processing and management; the process for setting and enforcing orders (court or administrative process); responsiveness and capacity of its contractors; State planning process; availability of State funding and resources.

A number of areas common to all State systems will need additional investment in order to meet the new PRWORA requirements. Primarily, the increased systems costs are associated with changes in distribution, performance indicators, reporting, interfaces and case management, the State Case Registry and wage withholding activities on non-IV-D cases. Therefore, we believe it is reasonable to allocate a base amount to each State.

A base level of funding for each State takes into account the level of automation by recognizing that all States have similar costs for planning, design, programming and development regardless of the size of their caseloads. A minimum amount is provided to each State to ensure support for a State's development effort. In order to treat States fairly in determining this minimum level of funding, we looked to our experience with basic project costs (e.g., planning, design, programming, and development). We believe a base amount of $2,000,000 per State fairly represents the start-up costs which are common to all States. Table 2 in Appendix A shows the distribution of the base amount to each State, Territory and Los Angeles County.

States suggested various percentages of the available funds which should be set aside to distribute as equal base amounts to each State. Obviously, as the portion of the funds designated for the base amount increases, the portion available to distribute based on relative caseload size decreases. Changes in the portion set aside for minimum funding to each State could advantage or disadvantage some States (e.g., allocating a larger percentage of funds to a base amount advantages States with small caseloads). Allocating a minimum of $2,000,000 to each State accounts for a little over one-quarter of the $400,000,000 available from federal funds. As discussed in the following paragraphs, our proposal for taking into account the relative size of State IV–D caseloads in the allocation formula also considers the scope of changes that States must make in their child support enforcement systems to meet PRWORA requirements. Therefore, we believe that using one-quarter of the available funds for the base amount is reasonable.

In addition to the base level of funding which takes into account States' levels of automation, the proposed allocation formula's calculation of relative caseload size also addresses the changes that States must make in their child support enforcement systems in order to meet PRWORA requirements. Section 311 of PRWORA mandates that child support enforcement systems include information on all new and modified child support orders in the State as of October 1, 1998 as well as information on all cases receiving services under title IV–D. Effectively, this increases the potential child support enforcement caseload maintained on a State's automated system to include almost all children in a State who are not living with both parents. Since the majority of States must increase their automated systems capacity because of this expanding caseload, the use of a census factor based on the size of the child population not living with both parents helps take into account the need for additional capacity building.

With this in mind, the proposed formula allocates the remaining funds, after the base amount is assigned to each State, by an Allocation Factor. A Caseload Factor and a Census Factor are averaged to yield the Allocation Factor. Table 1 shows by State the calculation of the Allocation Factor from caseload and census data.

At this time caseload and census data are not available for Los Angeles County. Therefore, the tables in appendix A show a base amount allocated to Los Angeles County and blank cells for the caseload factor and the census factor. With a base amount assigned for Los Angeles County, we can calculate the total remaining funds available for allocation among the other States. California's caseload factor and census factor represent the total for the State, including Los Angeles County. The California IV–D agency and the Los Angeles County IV–D agency have been asked to provide us with caseload and census data, as described below, showing Los Angeles County's share of the California total.

The Caseload Factor is the ratio of the six-year average IV–D caseload as reported by a State to the OCSE for fiscal years 1990–1995 to the total six-year average caseload in all States for the same period. States differ in the percentage of total child support cases which receive IV–D services and thus, are included in the IV–D system. For example, some States routinely include all court-ordered support cases in the child support enforcement system. In addition, all States have some duplication in their caseload count due to interstate cases. To compensate for counting variations, we propose averaging the caseloads as reported by States for fiscal years 1990–1995. We considered using shorter periods for averaging, (e.g., 2 years, 4 years) but we decided on the period from 1990–1995 because it minimizes variations in each State's reported caseload.

The Census Factor is the ratio of the number of children in a State with one parent living elsewhere as reported in the 1992 Current Population Survey-Child Support Supplement to the total number of such children in all States. Data will be taken from the most recent Current Population Survey-Child Support Supplement, which is a national survey conducted by the Census Bureau every two years. We propose to use census data on children with one parent living elsewhere because this represents the maximum number of children living in the State who could potentially receive services from the IV–D program.

Note: It is also the same data set required by statute to determine the allotments for the Access and Visitation Grants which the OCSE will issue to the States under section 391 of PRWORA.

Therefore, the proposed § 307.31(f) provides that payments to individual States will be equal to the sum of a $2,000,000 base amount and an additional amount as determined by the Allocation Factor. The Allocation Factor is an average of the Caseload and Census Factors which yields the percentage that is used to calculate a State's allocation of the $400,000,000 (less the amounts set aside for the base).

Table 1 shows by State the Caseload Factors and the Census Factors and the calculation of the Allocation Factor. Table 2 displays the amount each State would be allotted from the $400,000,000 under the proposed allocation formula. The tables are printed in Attachment A at the end of this NPRM.

Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles.

Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act (Pub. L. 96–354) which requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small business and other small entities, the Secretary certifies that this rule has no significant effect on a substantial number of small entities. The primary impact of this proposed regulation is on State governments. State governments are not considered small entities under the Act. Therefore, a regulatory flexibility analysis is not required.

Unfunded Mandates Act

The Department has determined that this proposed rule is not a significant regulatory action within the meaning of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

List of Subjects in 45 CFR Part 307

Child support, Computer technology, Grant programs—social programs.

(Catalog of Federal Domestic Assistance Program No. 93.023, Child Support Enforcement Program)

Dated: September 19, 1997.

Olivia A. Golden,

Principal Deputy Assistant Secretary for Children and Families.

Approved: November 5, 1997.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For the reasons set forth in the preamble, 45 CFR part 307 is proposed to be amended as follows:

PART 307—COMPUTERIZED SUPPORT ENFORCEMENT SYSTEMS

1. The authority citation for part 307 is revised to read as follows:

Authority: 42 U.S.C. 652 through 658, 664, 666 through 669A, and 1302.

2. A new § 307.31 is added to read as follows:

§ 307.31 Federal financial participation at the 80 percent rate for computerized support enforcement systems.

(a) *Conditions that must be met for 80 percent FFP.* Until September 30, 2001, Federal financial participation is available at the 80 percent rate to States, Territories and systems defined in 42 U.S.C. 655(a)(3)(B)(iii) (455(a)(3)(B)(iii) of the Act) (hereafter referred to as ''States'') for expenditures for the planning, design, development, installation, or enhancement of a computerized support enforcement system meeting the requirements as described in §§ 307.5 and 307.10 of this part or 42 U.S.C 654(16) (454(16) of the Act), if:

(1) The Office has approved an APD in accordance with § 307.15 of this part;

(2) The Office determines that the system meets the requirements specified in § 307.10, or 42 U.S.C 654(16) (454(16) of the Act);

(3) The Office determines that the expenditures incurred are consistent with the approved APD;

(4) The Office determines that the computerized support enforcement system is designed effectively and efficiently and will improve the management and administration of the State IV–D plan;

(5) The State IV–D agency agrees in writing to use the system for a period of time which is consistent with the APD approved by the Office; and

(6) The State or local government has ownership rights in software, software modifications and associated documentation that is designed, developed, installed or enhanced under this section subject to the Department of Health and Human Services license specified in paragraph (c) of this section.

(b) *Federal financial participation in the costs of hardware and proprietary software.* (1) Until September 30, 2001, FFP at the 80 percent rate is available for expenditures for the rental or purchase of hardware for the planning, design, development, installation, or enhancement of a computerized support enforcement system as described in § 307.10 or 42 U.S.C 654(16) (454(16) of the Act).

(2) Until September 30, 2001, FFP at the 80 percent rate is available for the rental or purchase of proprietary operating/vendor software necessary for the operation of hardware during the planning, design, development, installation, enhancement or operation of a computerized support enforcement system in accordance with the OCSE guideline entitled ''Automated Systems for Child Support Enforcement: A Guide for States.'' FFP at the 80 percent rate is not available for proprietary application software developed specifically for a computerized support enforcement system. (See § 307.35 regarding reimbursement at the applicable matching rate.)

(c) *HHS rights to software.* The Department of Health and Human Services reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for Federal government purposes, software, software modifications, and documentation developed under § 307.10 or 42 U.S.C 654(16) (454(16) of the Act). This license would permit the Department to authorize the use of software, software modifications and documentation developed under § 307.10 or 42 U.S.C 654(16) (454(16) of the Act) in another project or activity funded by the Federal government.

(d) *Consequences of suspension of the APD.* If the Office suspends approval of an APD in accordance with § 307.40 during the planning, design, development, installation, enhancement or operation of the system:

(1) The Office shall disallow FFP as of the date the State failed to comply substantially with the approved APD; and

(2) FFP at the 80 percent and applicable matching rates is not available in any expenditure incurred under the APD after the date of the suspension until the date the Office determines that the State has taken the actions specified in the notice of suspension described in § 307.40(a) of this part. The Office will notify the State in writing upon making such a determination.

(e) *Limitation on 80 percent funding.* Federal financial participation at the 80 percent rate may not exceed $400,000,000 in the aggregate for fiscal years 1996 through 2001.

(f) *Allocation formula.* Payments at the 80 percent rate to individual States, Territories and systems defined in 42 U.S.C. § 655(a)(3)(B)(iii) (455(a)(3)(B)(iii) of the Act) (hereafter referred to as ''States'') will be equal to the sum of:

(1) A base amount of $2,000,000; and

(2) An additional amount defined as the Allocation Factor computed as follows:

(i) Allocation Factor—an average of the Caseload and Census Factors which yields the percentage that is used to calculate a State's allocation of the funds available, less amounts set aside pursuant to paragraph (f)(1) of this section.

(ii) Caseload Factor—a ratio of the six-year average IV–D caseload as reported by a State for fiscal years 1990 through 1995 to the total six-year average IV–D caseload in all States for the same period;

(iii) Census Factor—a ratio of the number of children in a State with one parent living elsewhere as reported in the 1992 Current Population Survey—Child Support Supplement to the total number of such children in all States.

3. In § 307.40 paragraph (a)(1) is amended by adding ''§ 307.31(d)'' at the end of the last sentence. The addition reads as follows:

§ 307.40 Suspension of approval of advance planning documents for computerized support enforcement systems.

(a) * * * Federal funding will be disallowed as described in § 307.30(d) and § 307.31(d).

* * * * *

Appendix A—Proposed Allocation Tables

Note: Appendix A will not be codified in Title 45 of the Code of Federal Regulations.

TABLE 1.—CALCULATION OF ALLOCATION FACTOR FROM CASELOAD AND CENSUS DATA

	Caseload 6 yr avg.	% of caseload	Census—92 children	% of census	Allocation factor
Alabama	290,391	1.81	345,570	1.84	1.83
Alaska	42,954	0.27	27,765	0.15	0.20
Arizona	240,814	1.50	271,870	1.45	1.47
Arkansas	111,852	0.70	187,640	1.00	0.86
California	1,682,256	10.48	2,178,600	11.60	11.09
Los Angeles County*	0	0.00	0	0.00	0.00
Colorado	166,360	1.04	182,320	0.97	1.00
Connecticut	167,175	1.04	242,910	1.29	1.18
Delaware	44,417	0.28	68,966	0.37	0.33
District of Columbia	78,327	0.49	61,788	0.33	0.40
Florida	795,006	4.95	1,043,100	5.56	5.28
Georgia	460,993	2.87	428,450	2.28	2.55
Guam	5,788	0.04	6,772	0.04	0.04
Hawaii	59,662	0.37	79,211	0.42	0.40
Idaho	50,243	0.31	70,539	0.38	0.35
Illinois	695,072	4.33	879,600	4.68	4.52
Indiana	610,335	3.80	690,510	3.68	3.74
Iowa	137,349	0.86	174,860	0.93	0.90
Kansas	115,061	0.72	227,530	1.21	0.98
Kentucky	259,739	1.62	362,530	1.93	1.79
Louisiana	258,556	1.61	402,430	2.14	1.90
Maine	64,203	0.40	70,932	0.38	0.39
Maryland	310,502	1.94	366,710	1.95	1.94
Massachusetts	234,721	1.46	336,030	1.79	1.64
Michigan	1,239,750	7.73	757,680	4.04	5.74
Minnesota	195,708	1.22	357,550	1.90	1.59
Mississippi	254,350	1.59	268,880	1.43	1.50
Missouri	312,990	1.95	339,170	1.81	1.87
Montana	29,676	0.18	55,911	0.30	0.25
Nebraska	118,598	0.74	90,157	0.48	0.60
Nevada	64,867	0.40	80,703	0.43	0.42
New Hampshire	38,461	0.24	56,581	0.30	0.27
New Jersey	530,061	3.30	395,560	2.11	2.66
New Mexico	64,995	0.41	138,260	0.74	0.58
New York	1,053,781	6.57	1,363,500	7.26	6.94
North Carolina	381,598	2.38	457,280	2.44	2.41
North Dakota	31,981	0.20	32,165	0.17	0.18
Ohio	879,306	5.48	785,450	4.18	4.78
Oklahoma	117,380	0.73	200,790	1.07	0.91
Oregon	221,282	1.38	222,130	1.18	1.27
Pennsylvania	851,155	5.30	696,690	3.71	4.45
Puerto Rico	184,548	1.15	215,949	1.15	1.15
Rhode Island	70,281	0.44	44,712	0.24	0.33
South Carolina	186,716	1.16	254,370	1.35	1.27
South Dakota	25,440	0.16	48,647	0.26	0.21
Tennessee	486,970	3.03	394,230	2.10	2.53
Texas	641,667	4.00	1,377,600	7.34	5.80
Utah	79,955	0.50	142,460	0.76	0.64
Vermont	18,577	0.12	40,292	0.21	0.17
Virgin Islands	10,704	0.07	12,525	0.07	0.07
Virginia	300,239	1.87	379,510	2.02	1.95
Washington	294,085	1.83	346,700	1.85	1.84
West Virginia	83,599	0.52	111,830	0.60	0.56
Wisconsin	365,825	2.28	374,170	1.99	2.13
Wyoming	29,279	0.18	27,763	0.15	0.16
Totals	16,045,594	100.00	18,775,849	100.00	100.00

*Currently Los Angeles County data are included in California's data.

TABLE 2.—PROPOSED ALLOCATION OF CHILD SUPPORT ENFORCEMENT FUNDS AVAILABLE AT 80% EFFP

	Allocation factor (percent)	Federal calculations			Total State share	Total
		Base amount	Allocated remainder	Total Federal share		
Alabama	1.83	$2,000,000	$5,296,411	$7,296,411	$1,824,103	$9,120,514
Alaska	0.20	2,000,000	588,959	2,588,959	647,240	3,236,199
Arizona	1.47	2,000,000	4,269,736	6,269,736	1,567,434	7,837,170
Arkansas	0.86	2,000,000	2,494,226	4,494,226	1,123,556	5,617,782
California	11.09	2,000,000	32,153,986	34,153,986	8,538,496	42,692,482

TABLE 2.—PROPOSED ALLOCATION OF CHILD SUPPORT ENFORCEMENT FUNDS AVAILABLE AT 80% EFFP—Continued

	Allocation factor (percent)	Federal calculations			Total State share	Total
		Base amount	Allocated remainder	Total Federal share		
Los Angeles County*	0.00	2,000,000	0	2,000,000	500,000	2,500,000
Colorado	1.00	2,000,000	2,903,875	4,903,875	1,225,969	6,129,843
Connecticut	1.18	2,000,000	3,415,271	5,415,271	1,353,818	6,769,088
Delaware	0.33	2,000,000	944,272	2,944,272	736,068	3,680,340
District of Columbia	0.40	2,000,000	1,166,907	3,166,907	791,727	3,958,634
Florida	5.28	2,000,000	15,308,115	17,308,115	4,327,029	21,635,143
Georgia	2.55	2,000,000	7,407,463	9,407,463	2,351,866	11,759,329
Guam	0.04	2,000,000	104,603	2,104,603	526,151	2,630,754
Hawaii	0.40	2,000,000	1,156,560	3,156,560	789,140	3,945,699
Idaho	0.35	2,000,000	1,005,900	3,005,900	751,475	3,757,375
Illinois	4,52	2,000,000	13,114,182	15,114,182	3,778,545	18,892,727
Indiana	3.74	2,000,000	10,833,701	12,833,701	3,208,425	16,042,126
Iowa	0.90	2,000,000	2,600,140	4,600,140	1,150,035	5,750,174
Kansas	0.98	2,000,000	2,853,168	4,853,168	1,213,292	6,066,460
Kentucky	1.79	2,000,000	5,182,378	7,182,378	1,795,594	8,977,972
Louisiana	1.90	2,000,000	5,504,825	7,504,825	1,876,206	9,381,031
Maine	0.39	2,000,000	1,125,430	3,125,430	781,358	3,906,788
Maryland	1.94	2,000,000	5,639,961	7,639,961	1,909,990	9,549,951
Massachusetts	1.64	2,000,000	4,753,331	6,753,331	1,688,333	8,441,663
Michigan	5.74	2,000,000	16,635,003	18,635,003	4,658,751	23,293,753
Minnesota	1.59	2,000,000	4,607,640	6,607,640	1,651,910	8,259,550
Mississippi	1.50	2,000,000	4,357,564	6,357,564	1,589,391	7,946,954
Missouri	1.87	2,000,000	5,431,316	7,431,316	1,857,829	9,289,145
Montana	0.25	2,000,000	712,782	2,712,782	678,195	3,390,977
Nebraska	0.60	2,000,000	1,738,551	3,738,551	934,638	4,673,189
Nevada	0.42	2,000,000	1,212,336	3,212,336	803,084	4,015,420
New Hampshire	0.27	2,000,000	791,530	2,791,530	697,883	3,489,413
New Jersey	2.66	2,000,000	7,708,758	9,708,758	2,427,190	12,135,948
New Mexico	0.58	2,000,000	1,692,749	3,692,749	923,187	4,615,936
New York	6.94	2,000,000	20,131,601	22,131,601	5,532,900	27,664,501
North Carolina	2.41	2,000,000	6,986,341	8,986,341	2,246,585	11,232,926
North Dakota	0.18	2,000,000	534,222	2,534,222	633,556	3,167,778
Ohio	4.78	2,000,000	13,864,421	15,864,421	3,966,105	19,830,526
Oklahoma	0.91	2,000,000	2,649,783	4,649,783	1,162,446	5,812,228
Oregon	1.27	2,000,000	3,692,822	5,692,822	1,423,205	7,116,027
Pennsylvania	4.45	2,000,000	12,890,767	14,890,767	3,722,692	18,613,458
Puerto Rico	1.15	2,000,000	3,335,419	5,335,419	1,333,855	6,669,273
Rhode Island	0.33	2,000,000	957,681	2,957,681	739,420	3,697,101
South Carolina	1.27	2,000,000	3,673,449	5,673,449	1,418,362	7,091,811
South Dakota	0.21	2,000,000	617,014	2,617,014	654,254	3,271,268
Tennessee	2.53	2,000,000	7,338,813	9,338,813	2,334,703	11,673,516
Texas	5.80	2,000,000	16,816,864	18,816,864	4,704,216	23,521,080
Utah	0.64	2,000,000	1,852,320	3,852,320	963,080	4,815,400
Vermont	0.17	2,000,000	490,273	2,490,273	622,568	3,112,841
Virgin Islands	0.07	2,000,000	193,459	2,193,459	548,365	2,741,823
Virginia	1.95	2,000,000	5,661,088	7,661,088	1,915,272	9,576,360
Washington	1.84	2,000,000	5,336,587	7,336,587	1,834,147	9,170,733
West Virginia	0.56	2,000,000	1,627,568	3,627,568	906,892	4,534,460
Wisconsin	2.13	2,000,000	6,162,828	8,162,828	2,040,707	10,203,534
Wyoming	0.16	2,000,000	475,057	2,475,057	618,764	3,093,822
	100.00	110,000,000	290,000,000	400,000,000	100,000,000	500,000,000

*Included in California's allocated remainder.

[FR Doc. 98–5181 Filed 2–27–98; 8:45 am]

BILLING CODE 4184–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MM Docket No. 97–247; DA 98–354]

Fees for Ancillary or Supplementary Use of Digital Television Spectrum Pursuant to Section 336(e)(1) of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On December 18, 1997, the Commission adopted a *Notice of Proposed Rule Making* in this proceeding (FCC 97–414) (''NPRM'') regarding the assessment of fees for the use of digital television bitstream for the provision of ancillary or supplementary services. Comments in this proceeding are presently due March 3, 1998, and reply comments are due April 2, 1998. On February 19, 1998, the National Association of Broadcasters (''Petitioner'') submitted a Motion for Extension of Time to file comments in response to the NPRM, requesting that the Commission extend the comment deadline to May 4, 1998, and the reply comment deadline to June 2, 1998. The Motion for Extension of Time is granted.

DATES: Comments are due on or before May 4, 1998 and Reply Comments are due on or before June 2, 1998.

ADDRESSES: Comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M St., N.W., room 222, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jerry Duvall, Chief Economist, Mass Media Bureau (202) 418–2600, Susanna Zwerling, Policy and Rules Division, Mass Media Bureau (202) 418–2140, or Jonathan Levy, Office of Plans and Policy (202) 418–2030.

SUPPLEMENTARY INFORMATION: This is a summary of the Mass Media Bureau's Order Granting Extension of Time for Filing Comments, DA 98–354 adopted February 23, 1998 and released February 23, 1998. The full text of this Mass Media Bureau Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street N.W., Washington, D.C. The complete text of this Order may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857–3800 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of Order

On December 18, 1997, the Commission adopted a *Notice of Proposed Rule Making* in this proceeding (FCC 97–414) (''NPRM'') regarding the assessment of fees for the use of digital television bitstream for the provision of ancillary or supplementary services. Comments in this proceeding are presently due March 3, 1998, and reply comments are due April 2, 1998.

On February 19, 1998, the National Association of Broadcasters (''Petitioner'') submitted a Motion for Extension of Time to file comments in response to the NPRM. Petitioner contends that additional time is necessary for the preparation of research studies in response to the NPRM which have been commissioned by petitioner in conjunction with broadcast television networks. It requests that the Commission extend the comment deadline to May 4, 1998, and the reply comment deadline to June 2, 1998.

In section 1.46 of the Commission's Rules, it is our policy that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. However, because of the complexity of the instant proceeding, and the potential benefits of the petitioner's studies, we believe an extension of the comment deadline for the NPRM is warranted. In the NPRM, at paragraph 27, the Commission ''encouraged[d] commenters to make specific recommendations as to the level of the fee and type of fee assessment program to which the fee is to be tied and to provide evidence to build a record supporting those recommendations.'' To facilitate such efforts, we will grant petitioner additional time to complete its research studies which can provide the Commission a more complete record in this proceeding.

Accordingly, *It is ordered* that the Motion for Extension of Time filed in MM Docket No. 97–247 by the National Association of Broadcasters *Is granted*. The time for filing comments *Is extended* to May 4, 1998.

It is further ordered that the time for filing reply comments *Is extended* to June 2, 1998.

This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and sections 0.204(b), 0.283, and 1.45 of the Commission's Rules, 47 CFR 0.204(b), 0.283, and 1.45.

List of Subjects in 47 CFR Part 1

Television, Television broadcasting.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 98–5237 Filed 2–27–98; 8:45 am]

BILLING CODE 6712–07–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 383 and 384

[FHWA Docket No. FHWA–97–3103]

RIN 2125–AE28

Commercial Driver Disqualification Provision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA is proposing regulations specifying that commercial motor vehicle (CMV) drivers who are convicted of violating laws or regulations pertaining to railroad-highway grade crossings be disqualified from operating a CMV. This proposal also would assess penalties against employing motor carriers found to have knowingly allowed, permitted, authorized, or required a driver to operate a CMV in violation of laws or regulations pertaining to railroad-highway grade crossings. This action is in response to the requirements specified in section 403 of the ICC Termination Act (ICCTA) of 1995. The purpose of this proposal is to enhance the safety of CMV operations on our nation's highways.

DATES: Comments must be received on or before May 1, 1998.

ADDRESSES: Interested persons are invited to submit written, signed comments regarding this proposal to Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. David Goettee, Driver Division, Office of Motor Carrier Research and Standards, (202) 366–4001, or Mr. Charles Medalen, Office of the Chief Counsel, (202) 366–0834, Federal

Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): http://dms.dot.gov. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Federal Register Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Federal Register's home page at: http://www.nara.gov/nara/fedreg and the Government Printing Office's database at: http:///www.access.gpo/su __ docs.

Background

The goal of section 403 of the ICCTA [Pub. L. 104–88, 109 Stat. 803, 956, December 29, 1995, codified at 49 U.S.C. 31310(h) and 31311(a)(18)] is to achieve safer CMV driver behavior when CMVs are crossing railroad-highway grade crossings. Section 403 amended the Commercial Motor Vehicle Safety Act (CMVSA) of 1986 by adding subsection (h) to 49 U.S.C. 31310. The amendment requires sanctions and penalties for CMV drivers who are convicted of violating laws or regulations pertaining to railroad-highway grade crossings.

The amendment also requires monetary penalties be assessed against employers found to have knowingly allowed, permitted, authorized, or required an employee to operate a CMV in violation of a law or regulation pertaining to railroad-highway grade crossings. It requires States to adopt and enforce the Federal sanctions and penalties prescribed for CMV drivers and employing motor carriers who violate laws or regulations pertaining to railroad-highway grade crossings.

According to a March 1, 1996, U.S. Department of Transportation report on railroad-highway grade crossing accidents for the year 1994, entitled ''Accidents Which Shouldn't Happen,''[1] 615 individuals were killed and 1,961 persons were injured in 4,979 collisions with trains at railroad-highway grade crossings in the United States. The same report says:

> Laws against grade crossing violations are ineffective if they are not enforced and associated with penalties that are strong enough to deter future violations. The public, enforcement officers, and judges all need to be aware of the danger associated with grade crossing violations. Grade crossing safety systems cannot prevent collisions if the parties that use and control these crossings do not act responsibly.

One of the recommendations in the report is that all States should have or enact laws levying sanctions including fines and other penalties against persons convicted of railroad-highway grade crossing violations.

The follow-up report[2] issued to report progress on implementation of the recommendations contained in the above report observed:

> The principal finding of the Task Force report was that ''improved highway-rail grade crossing safety depends upon better cooperation, communication, and education among responsible parties if accidents and fatalities are to be reduced significantly.''

The FHWA believes the proposed changes contained in this NPRM will be of assistance in fostering a change in how motor carriers perceive the importance of railroad-highway grade crossings, and thus will assist in achieving greater cooperation, communication, and education regarding this important issue from the perspective of commercial drivers and their employers.

Section Analysis

Section 383.37 Employer Responsibilities

Section 403 of the ICCTA prescribes a more stringent penalty for employers regarding railroad-highway grade crossing violations than the existing sanctions for employers using a driver while disqualified. Because there is no specific prohibition in the current regulation to which the prescribed sanction would apply, the FHWA proposes to add an additional provision to 383.37 implementing this requirement.

Section 383.51 Disqualification of Drivers

Section 403 of the ICCTA requires the Secretary to establish, by regulation, sanctions and penalties for drivers convicted of violating railroad-highway grade crossing laws or regulations. The ICCTA requires the penalty for a single violation to be not less than a 60-day disqualification, but is silent on how to treat subsequent convictions. Based on the precedents established for all other types of violations which apply a longer penalty for subsequent convictions, and the inherent authority to establish higher penalties for the violations described, the FHWA proposes to revise 49 CFR 383.51 to provide an increased period of disqualification for subsequent convictions.

In the context of other sanctions imposed in the CMVSA, violations at railroad-highway grade crossings rank higher than other serious traffic violations, which require sanctions of not less than a 60-day disqualification for the second conviction and not less than a 120-day disqualification thereafter. It is proposed therefore for a second or subsequent conviction of a railroad-highway grade crossing violation, the minimum disqualification period be 120 days. The FHWA proposes to add a new paragraph (e) to 49 CFR 383.51 that specifically establishes these driver penalties for this offense.

The ICCTA is also silent regarding the time limit between first and subsequent violations. Referring again to the required sanctions for serious traffic violations in 49 U.S.C. 31310(e), which employs a 3-year period, the FHWA proposes that any subsequent conviction for violation of a railroad-highway grade crossing law or regulation while operating a CMV be within 3 years of an earlier conviction.

Section 383.53 Penalties

The ICCTA amendment to 49 U.S.C. 31310 specifically provides that any motor carrier that knowingly allows, permits, authorizes, or requires a driver to operate a CMV in violation of a law or regulation pertaining to railroad-highway grade crossings must be subject to a civil penalty of not more than $10,000. The maximum level specified in the Act for this violation reflects the concern about the potentially severe safety consequences that can result from an illegal crossing of a railroad-highway grade crossing. The FHWA therefore proposes to add a new paragraph (c) to the penalty provisions of 49 CFR 383.53 to incorporate this sanction into this section.

Section 384.223 Railroad-Highway Grade Crossing Violation

As required by the ICCTA amendment to the CMVSA, the FHWA proposes to include the requirement for the States to adopt and enforce the sanctions and penalties relating to violations of

[1] ''Accidents Which Shouldn't Happen: A Report of the Grade Crossing Safety Task Force to Secretary Federico Peña,'' March 1, 1996. This task force report has been placed in the public docket for this rulemaking.

[2] ''Implementation Report of the USDOT Grade Crossing Safety Task Force: Report to Secretary Rodney E. Slater,'' June 1, 1997, publication number FHWA–SA–97–085. This task force report has been placed in the public docket for this rulemaking.

railroad-highway grade crossing laws or regulations as specified at §§ 383.37, 383.51, land 383.53 as a new § 384.223, Railroad-highway grade crossing violation. Thus it is proposed as the twenty-third State CDL program substantial compliance requirement. This proposal follows the intent of the ICCTA which specified that States must adopt and enforce the sanctions and penalties. For State compliance purposes, existing laws or regulations that specifically apply to violation of railroad-highway grade crossing restrictions, such as reckless driving or driving to endanger, will be sufficient for complying with this requirement, provided a conviction for these offenses invokes the specified minimum disqualification periods.

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will also continue to file in the docket relevant information that becomes available after the comment closing date. Interested persons should continue to examine the docket for new material. Nevertheless, the FHWA may issue a final rule on this matter at any time after the close of the comment period.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this document does not contain a significant regulatory action under Executive Order 12866 or a significant regulation under the regulatory policies and procedures of the Department of Transportation.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) requires each agency to assess the effects of its regulatory actions on State, local, and tribal governments and the private sector. Any agency promulgating an NPRM likely to result in a Federal mandate requiring expenditures by a State, local, or tribal government or by the private sector of $100 million or more in any one year must prepare a written statement incorporating various assessments, estimates, and descriptions that are delineated in the Unfunded Mandates Act. The FHWA has determined that the changes proposed in this NPRM will not have an impact of $100 million or more in any one year.

Each of the proposed changes is a small incremental addition to an existing process. Drivers are already being disqualified as a matter of course when convicted of certain violations. This merely proposes to standardize the minimum amount of disqualification drivers must receive for violating existing laws or regulations pertaining to railroad-highway grade crossings.

There is a potential one-time minor cost to States that may need to modify existing laws to incorporate these proposed standardized railroad-highway grade crossing provisions. The ongoing costs of being in substantial compliance with the provisions in this NPRM are part of an existing State monitoring program, and therefore will have very little impact on ongoing State operations.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this proposed rule on small entities. Based on the evaluation, the FHWA hereby certifies that this proposed action would not have a significant economic impact on a substantial number of small entities. This is based on the fact that the FHWA believes the overwhelming majority of carriers, including small carriers, comply with railroad-highway grade crossing laws and regulations. Further, the FHWA believes that the adoption of this proposed rule establishing driver disqualification and employer civil penalties will serve as a further deterrent for drivers and/or carriers who might otherwise have violated such laws or regulations. Accordingly, the FHWA believes the actual imposition of these fines and disqualifications will be infrequently required.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, which directs departments and agencies to be guided by certain fundamental federalism principles in formulating and implementing policies that have federalism implications. These policies, together with the directions of the CMVSA, have been taken fully into account in the development of this proposal.

The federalism implications of the commercial driver's license program were addressed in detail in the rule which established the initial minimum standards (53 FR 27628, Thursday, July 21, 1988). A summary of the points covered in that rule includes:

(a) The Congress determined that minimum Federal standards were required because medium and heavy trucks are involved in a disproportionately large percentage of fatal accidents. The States were carefully consulted in establishing the minimum standards that were established.

(b) The safety problem associated with CMVs is national in scope, requiring a consistent and reciprocal approach to licensing, which retained the basic role of the States in issuing licenses.

(c) The standard adopted deliberately allowed maximum flexibility to the States in implementation of this program.

Thus, it is certified that the specifications contained in this document have been assessed in light of the principles, criteria, and requirements of the Federalism Executive Order, and they accord fully with the letter and spirit of the President's Federalism initiative.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities to not apply to this program.

Paperwork Reduction Act

For purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520, this action contains no information requirements not already approved for the CDL program and its associated information system, the commercial driver's license information system (CDLIS).

National Environmental Policy Act

The FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4211 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Parts 383 and 384

Commercial driver's license, Commercial motor vehicles, Highways and roads, Motor carriers, Motor vehicle safety, and Railroad-highway grade crossing.

Issued: February 23, 1998.

Kenneth R. Wykle,

Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA hereby proposes to amend Title 49, Code of Federal Regulations, Chapter III, as set forth below.

PART 383—[AMENDED]

1. The authority citation for 49 CFR Part 383 is revised to read as follows:

Authority: 49 U.S.C. 31136, 31301 *et seq.*, and 31502; and 49 CFR 1.48.

2. Section 383.37 is revised to read as follows:

§ 383.37 Employer responsibilities.

No employer may knowingly allow, require, permit, or authorize a driver to operate a CMV in the United States:

(a) During any period in which the driver has a CMV driver's license suspended, revoked, or canceled by a State, has lost the right to operate a CMV in a State, or has been disqualified from operating a CMV;

(b) During any period in which the driver has more than one CMV driver's license, except during the 10-day period beginning on the date such driver is issued a driver's license;

(c) During any period in which the driver, or the CMV he or she is driving, or the motor carrier operation, is subject to an out-of-service order; or

(d) In violation of a law or regulation pertaining to railroad-highway grade crossings.

3. In § 383.51, paragraph (e) is redesignated as paragraph (f), and a new paragraph (e) is added to read as follows:

§ 383.51 Disqualification of drivers.

* * * * *

(e) *Disqualification for railroad-highway grade crossing violation*—(1) *General rule.* A driver who is convicted of operating a CMV in violation of a law or regulation pertaining to railroad-highway grade crossings must be disqualified for the period of time specified in paragraph (e)(2) of this section.

(2) *Duration of disqualification for railroad-highway grade crossing violation*—(i) *First violation.* A driver must be disqualified for not less than 60 days, if the driver is convicted of a first violation of a railroad-highway grade crossing violation.

(ii) *Second or subsequent violation.* A driver must be disqualified for not less than 120 days, if during any 3-year period, the driver is convicted of a second or subsequent railroad-highway grade crossing violation in separate incidents.

(f) * * *

4. Section 383.53 is amended by adding a new paragraph (c) to read as follows:

§ 383.53 Penalties.

* * * * *

(c) *Special penalties pertaining to railroad-highway grade crossing violations.* An employer who is convicted of a violation of § 383.37(d) must be subject to a civil penalty of not more than $10,000.

PART 384—[AMENDED]

5. The authority citation for 49 CFR Part 384 continues to read as follows:

Authority: 49 U.S.C. 31136, 31301 *et seq.*, and 31502; and 49 CFR 1.48.

6. Part 384 is amended by adding § 384.223 to read as follows:

§ 384.223 Railroad-highway grade crossing violation.

The State must have and enforce laws and/or regulations applicable to CMV drivers and their employers, as defined in § 383.5 of this title, which meet the minimum requirements of §§ 383.37(d), 383.51(e), and 383.53(c) of this title.

[FR Doc. 98–5097 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Parts 653 and 654

[Docket No. FTA–98–3474]

RIN 2132–AA61

''Maintenance'' Under Definition of Safety-Sensitive Functions in Drug and Alcohol Rules

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: In response to a letter from an attorney representing a large transit system, the Federal Transit Administration (FTA) proposes to require drug and alcohol testing of all maintenance workers, including those engaged in engine, revenue service vehicle, and parts rebuilding and overhaul. This change would eliminate the distinction between maintenance workers involved in on-going, daily maintenance and repair work and those who, on a routine basis, perform rebuilding and overhauling work.

DATES: Comments on this proposed rule must be submitted by June 1, 1998.

ADDRESSES: Written comments must refer to the docket number appearing above and must be submitted to the United States Department of Transportation, Central Dockets Office, PL–401, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for inspection at the above address from 10 a.m. to 5 p.m., Monday through Friday, except Federal holidays. Those desiring the agency to acknowledge receipt of their comments should include a self-addressed stamped postcard with their comments.

FOR FURTHER INFORMATION: For program issues: Judy Meade, Director of the Office of Safety and Security (202) 366–2896 (telephone) or (202) 366–7951 (fax). For legal issues: Michael Connelly, Office of the Chief Counsel (202) 366–4011 (telephone) or (202) 366–3809 (fax). Electronic access to this and other rules may be obtained through FTA's Transit Safety Bulletin Board at 1–800–231–2061, or through the FTA World Wide Web home page at http://www.fta.dot.gov; both services are available seven days a week.

SUPPLEMENTARY INFORMATION:

I. Background

On February 5, 1994, FTA issued 49 CFR parts 653 and 654, requiring recipients of certain categories of FTA funding to test safety-sensitive employees for the use of five prohibited drugs, and for the misuse of alcohol. The rules defined safety-sensitive employees to include, among others, workers who maintain revenue service vehicles or equipment used in revenue service.

In a series of interpretive letters dating from 1994, the FTA refined the definition of safety-sensitive maintenance workers, in effect creating two distinct classes of employees. On the one hand were those engaged in on-going and routine repair and maintenance of revenue service vehicles and equipment. On the other hand were those performing what the FTA has historically considered less routine maintenance such as the overhaul and rebuilding of engines, parts, and vehicles. The basis for the FTA's view lay in the rules' preambles (59 FR 7535 (alcohol) and 59 FR 7575 (drugs)), which noted that ''only mechanics who repair (revenue service) vehicles or

perform routine maintenance are the types of maintenance workers covered by the rules.'' The FTA focused on routine maintenance, and excluded from coverage those workers performing other-than-routine repair service.

On September 3, 1996, John Goldstein, President of the Amalgamated Transit Union, Local 998, Milwaukee, Wisconsin, sought clarification of FTA policy on random testing of employees performing less routine maintenance, i.e., overhauling and rebuilding engines. He noted that contract workers at the Milwaukee County Transit System who did such work were not being randomly tested, while employees of the transit agency performing the same work were subject to testing.

On March 26, 1997, the FTA, in keeping with previous interpretations, informed Goldstein that no worker performing less than routine maintenance was subject to testing under FTA rules, regardless for whom they worked. According to FTA's previously-issued interpretive letters, the rules applied only to those safety-sensitive employees performing routine, day-to-day maintenance work.

In response to the FTA's March 26, 1997, letter to Goldstein, Gregg Formella, attorney for the Milwaukee Transport Services, Inc., requested that FTA reconsider its position regarding the two categories of maintenance worker testing. Mr. Formella's letter, and that from Mr. Goldstein, pointed out that the transit system has repair maintenance units dedicated solely to rebuilding and overhaul. While individual revenue service vehicles are overhauled and rebuilt only occasionally (i.e., on a less routine basis), the employees who work on those vehicles do so on an on-going, daily basis. The work load is constant; a revenue service vehicle is always being overhauled or rebuilt.

Mr. Formella also pointed out that the **Federal Register** preambles upon which the FTA had relied in its letters of interpretation involved a distinction, not between routine repair maintenance and less routine repair maintenance, but rather between all repair maintenance and cleaning maintenance; in that context, the use of the word ''routine'' is superfluous.

Finally, Mr. Formella's letter suggests that rebuilding and overhaul repair maintenance is no less important than daily maintenance, and that in the interest of safety, no exception should be extended.

II. FTA's Response

The FTA proposes to adopt Mr. Formella's suggestion that all revenue service repair maintenance workers be subject to FTA's drug and alcohol testing requirements, including random testing. Such a proposal would eliminate considerable confusion over what constitutes routine and less routine maintenance work.

A closer review of the history of the rules, and specifically that portion of the preamble upon which the FTA relied when creating the two categories of repair maintenance workers, is instructive. When the regulations were first proposed in 1992, some commenters were concerned that considering as safety-sensitive any employee who ''maintain(s) a revenue service vehicle'' might be too broad; the commenters were concerned that employees who clean such vehicles might also fall under the definition of safety-sensitive maintenance. In 1994, when the final rules were promulgated, the FTA used that opportunity to note that only mechanics, and not cleaning crews, would be subject to the rules' coverage. Significantly, we noted that the rules applied to all mechanics ''who repair vehicles.'' Also, in the rules' preambles (59 FR 7584 (drugs) and 59 FR 7544 (alcohol)), we noted that ''(m)aintaining a revenue service vehicle includes any act which repairs, provides upkeep to a vehicle, or any other process which keeps the vehicle operational''—a definition which, in retrospect, surely includes employees who rebuild and overhaul engines, parts, and revenue service vehicles.

In a November 2, 1994, letter to the New York City Transit Authority, the FTA stressed that the routine and on-going nature of the maintenance work was a ''key criterion'' in determining when the rules applied. The FTA stated that because rebuilding and overhauling parts, engines, and revenue service vehicles were done on only an occasional basis, the rules ought not apply.

However, experience over the last four years has shown, in fact, that some workers who overhaul and rebuild do so on a regular, on-going basis. In light of this new understanding, the FTA has re-evaluated its earlier position to consider whether overhauling and rebuilding engines, parts, and vehicles that is performed routinely should be included in the rules. While overhaul and rebuilding is not performed every day on each piece of equipment, the workers who do such work do so daily and on a routine basis. We seek comment on changing the interpretation of ''maintaining a revenue service vehicle or equipment used in revenue service'' to include overhauling and rebuilding engines, parts, and revenue service vehicles.

In addition, there is now reason to believe that repair maintenance personnel experience greater substance abuse problems than other categories of safety-sensitive workers. Statistics provided by the transit industry, as summarized in the Drug and Alcohol Testing Results, 1995 Annual Report (FTA-MA–18X018–97–1; DOT-VNTSC-FTA–97–2, available from the FTA Office of Safety and Security) indicate that, for both drugs and alcohol, the revenue vehicle and equipment maintenance personnel had the highest percentage of random and reasonable suspicion positives:

''3.2.2. Random Drug Test Results * * * In addition, within the random testing category, one job category (revenue vehicle and equipment maintenance) consistently had the highest percentage of positive drug test results.

3.3 Results of Drug Tests Presented by Employee Category * * *

The category with the highest percentage of positive results was revenue vehicle and equipment maintenance with 2.05.

3.11 Comparison of Transit System and Contractor Positive Random Drug Test Results * * * In four out of five job categories, contractors had a higher percentage of positive random drug test results than did transit systems * * * The largest differential was in revenue vehicle and equipment maintenance category, where contractors had 2.99 percent positive and transit systems had 2.01 percent positive.

4.2.2 Random Alcohol Test Results * * * For random alcohol tests, the revenue vehicle and equipment maintenance employee category had the highest percentage of positive alcohol test results.''

The 1996 data (soon to be available in the FTA's 1996 drug and alcohol testing results annual report) reinforce this view. These statistics demonstrate the need to be all-inclusive when testing employees who perform maintenance functions.

There is great similarity between the actual job functions of employees performing on-going repairs, and those working exclusively on engine, parts, and vehicle overhaul and rebuilding. In retrospect, any distinction between the two categories is an artificial construct, and there now appears no basis to treat them differently. To consider all safety-sensitive repair maintenance employees as falling under the regulations' rubric is consistent, and pro-safety. In larger systems, the workers in each of these two categories are generally drawn from the same technical pool, with the same skills and responsibilities. In smaller

systems, the employees who perform the on-going maintenance may often be the same people rebuilding and overhauling.

This proposal is intended to apply to all transit systems, their contractors that perform safety-sensitive functions, and all maintenance repair employees; it is not meant to be limited to those transit systems with units dedicated to engine, parts, and vehicle overhaul and rebuilding. Such an inclusive view is consistent with the regulatory intent to test all safety-sensitive repair maintenance workers in the interest of public safety.

Nothing in this proposal is intended to affect the present exemption of repair maintenance workers of newly manufactured equipment or equipment under the manufacturer's warranty, the exemption extended to contractors of section 5311 (formerly section 18) systems, or contractors of section 5309 (formerly section 3) recipients in an area under 50,000 in population.

III. Regulatory Analyses and Notices

This is not a significant rule under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. There are no significant Federalism implications to warrant preparation of a Federalism Assessment. The Regulatory Impact Analysis used for the original 1994 rules assumed that all maintenance workers would be randomly tested for drug and alcohol misuse. In 1994, the FTA created a limited exemption from testing for safety-sensitive workers who performed ''less routine'' maintenance such as rebuilding and overhauling engines, parts, and revenue service vehicles. We now propose to eliminate that exemption, and restore all maintenance workers to the original assumption (i.e., that all safety-sensitive workers would be tested). Therefore, the Department certifies that this rule will not have a significant economic impact on a substantial number of transit systems; this rule will merely restore maintenance workers who overhaul and rebuild engines, parts, and revenue service vehicles to the pool of safety-sensitive workers to be randomly tested. This rule does not contain new information collection requirements for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. This is not an unfunded mandate because this rule, if adopted, would cost State, local, and tribal governments less than $100 million annually.

List of Subjects in 49 CFR Parts 653 and 654

Alcohol testing, Drug testing, Grant programs-transportation, Mass transportation, Reporting and recordkeeping requirements, Safety and transportation, Safety-sensitive.

For the reasons set forth in the preamble, FTA proposes to amend Title 49 Code of Federal Regulations, part 653 and 654 as follows:

PART 653—PREVENTION OF PROHIBITED DRUG USE IN TRANSIT OPERATIONS

1. The authority citation for part 653 continues to read as follows:

Authority: 49 U.S.C. 5331, 49 CFR 1.51.

§ 653.7 [Amended]

2. Section 653.7 is amended by adding the definition of safety-sensitive function to read as follows:

* * * * *

Safety-sensitive function means any of the following duties: Maintaining (including on-going repairs and overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 5309 (formerly section 3) funding, is in an area less than 50,00 in population, and contracts out such services, or section 5311 (formerly section 18) funding and contracts out such services.

* * * * *

PART 654—PREVENTION OF ALCOHOL MISUSE IN TRANSIT OPERATIONS

1. The authority citation for part 654 continues to read as follows:

Authority: 49 U.S.C. 5331, 49 CFR 1.52.

§ 654.7 [Amended]

2. Section 654.7 is amended by adding the definition of safety-sensitive function to read as follows:

* * * * *

Safety-sensitive function means any of the following duties: Maintaining (including on-going repairs and overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 5309 (formerly section 3) funding, is in an area less than 50,00 in population, and contracts out such services, or section 5311 (formerly section 18) funding and contracts out such services.

* * * * *

Issued on: February 25, 1998.

Gordon J. Linton,

Administrator.

[FR Doc. 98–5275 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–57–U

Notices

Federal Register

Vol. 63, No. 40

Monday, March 2, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Research, Education, and Economics

Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting

AGENCY: Research, Education, and Economics, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory Board.

SUPPLEMENTARY INFORMATION: The National Agricultural Research, Extension, Education, and Economics Advisory Board, which represents 30 constituent categories, as specified in section 802 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. No. 104–127), has scheduled a National Stakeholder Symposium for March 11, 1998, and a General Advisory Board Meeting, March 12–13, 1998.

The National Stakeholder Symposium will engage stakeholders (producers, industry, academia, rural Americans, consumer public interest groups, general public, and others) in priority-setting discussions and topic-related briefings for USDA Research, Education, and Economics (REE). Non-rated priority topics include: (1) National Agricultural Genome Initiative; (2) Emerging Animal and Plant Issues—Preparedness & Response Initiative; (3) Environmental Stewardship Initiative; (4) Precision Agriculture Initiative; (5) Added Value and New Use Products Initiative; (6) Education and Outreach Initiative; (7) Nutrition Research Initiative; (8) Food Safety Research Initiative; and an over-arching Agriculture Communication and Outreach Initiative.

Stakeholders will be invited to make statements and to hear from a variety of experts about some of the state-of-the-art research to date, challenges ahead, and projected future benefits to the agricultural community. Also time will be allowed at the end of the Symposium for open discussion and audience participation.

The General Advisory Board Meeting on March 12–13 will (a) bring together the input from the Stakeholder Symposium; (b) link priorities to the FY 2000 budget for USDA Research, Education, and Economics; (c) report on Board recommendations to the Secretary on public communications; (d) discuss the future of the Fund for Rural America program; (e) plan for the July 1998 Regional Meeting in Utah; and (f) update Board members on Working Group activities.

Dates: National Stakeholder Symposium: March 11, 1998, 9:00 a.m. to 5:00 p.m., General Meeting: March 12–13, 9:00 a.m. to 5:00 p.m.

Place: Holiday Inn—National Airport (Crystal City), 1489 Jefferson Davis Highway, Arlington, VA 22202, Grand Ballroom.

Type of Meeting: Open to the public.

Comments: The public may file written comments before or after the meeting with the contact person. All statements will become a part of the official records of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file for public review in the Office of the Advisory Board; Research, Education, and Economics; U.S. Department of Agriculture; Washington, D.C. 20250–2255.

FOR FURTHER INFORMATION CONTACT: Deborah Hanfman, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, Research, Education, and Economics Advisory Board Office, Room 3918 South Building, U.S. Department of Agriculture, STOP: 2255, 1400 Independence Avenue, SW, Washington, DC 20250–2255. Telephone: 202–720–3684. Fax: 202–720–6199, or e-mail: lshea@reeusda.gov.

Done at Washington, D.C. this 11th day of February 1998.

I. Miley Gonzalez,

Under Secretary, Research, Education, and Economics.

[FR Doc. 98–5194 Filed 2–27–98; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[S&T98–001]

Plant Variety Protection Advisory Board; Open Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Plant Variety Protection Advisory Board.

DATES: March 25, 1998, 9 a.m. to 5 p.m., open to the public.

ADDRESSES: The meeting will be held in the National Agricultural Library Building, Conference Room 1400 (Fourteenth Floor), Beltsville, Maryland.

FOR FURTHER INFORMATION CONTACT: Acting Commissioner, Plant Variety Protection Office, Room 500, National Agricultural Library Building, Beltsville, Maryland 20705 (301/504–5518).

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 10(a) of the Federal Advisory Committee Act (Pub.L. No. 92–463 5 U.S.C. App.), this notice is given concerning a Plant Variety Protection Advisory Board meeting. The Board is constituted under section 7 of the Plant Variety Protection Act (7 U.S.C. 2327).

The proposed agenda for the meeting will include discussions of: Plant Variety Protection Office Application Process, Plant Variety Protection Office Progress Report, and other related topics. Written comments may be submitted to the contact person listed above before or after the meeting.

Dated: February 25, 1998.

Enrique E. Figueroa,

Administrator, Agricultural Marketing Service.

[FR Doc. 98–5251 Filed 2–27–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Fremont (NE) and Titus (IN) Areas and Request for Comments on the Fremont and Titus Agencies

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designation of Fremont Grain Inspection Department, Inc. (Fremont), and Titus Grain Inspection, Inc. (Titus), will end August 31, 1998, according to the Act. GIPSA is asking persons interested in providing official services in the Fremont and Titus areas to submit an application for designation. GIPSA is also asking for comments on the services provided by Fremont and Titus.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before March 31, 1998. Comments are due by May 31, 1998.

ADDRESSES: Applications and comments must be submitted to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604. Applications and comments may be submitted by FAX on 202–690–2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at this address located at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, at 202–720–8525.

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated Fremont, main office located in Fremont, Nebraska, and Titus, main office located in West Lafayette, Indiana, to provide official inspection services under the Act on September 1, 1995.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designations of Fremont and Titus end on August 31, 1998, according to the Act.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Iowa and Nebraska, is assigned to Fremont.

Carroll (west of U.S. Route 71); Clay (west of U.S. Route 71); Crawford; Dickinson (west of U. S. Route 71); Harrison (east of State Route 183); O'Brien (north of B24 and east of U.S. Route 59); Osceola (east of U.S. Route 59); and Shelby Counties, Iowa.

In Nebraska:

Bounded on the North by U.S. Route 20 east to the Pierce County line; the eastern Pierce County line; the northern Wayne, Cuming, and Burt County lines east to the Missouri River;

Bounded on the East by the Missouri River south-southeast to State Route 91; State Route 91 west to the Dodge County line; the eastern and southern Dodge County lines west to U.S. Route 77; U.S. Route 77 south to the Saunders County line;

Bounded on the South by the southern Saunders, Butler, and Polk County lines; and

Bounded on the West by the western Polk County line north to the Platte River; the Platte River northeast to the western Platte County line; the western and northern Platte County lines east to U.S. Route 81; U.S. Route 81 north to U.S. Route 20.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Farmers Cooperative, and Krumel Grain and Storage, both in Wahoo, Saunders County, Nebraska (located inside Omaha Grain Inspection Service, Inc.'s, area).

Fremont's assigned geographic area does not include the following grain elevators inside Fremont's area which have been and will continue to be serviced by the following official agencies:

1. Hastings Grain Inspection, Inc.: Farmers Cooperative Grain Company, Columbus, Platte County, Nebraska; and

2. Omaha Grain Inspection Service, Inc.: Farmers Coop Business Association, Rising City, Butler County, Nebraska; and Farmers Coop Business Association (2 elevators), Shelby, Polk County, Nebraska.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Indiana, is assigned to Titus.

Bounded on the North by the northern Pulaski County line;

Bounded on the East by the eastern and southern Pulaski County lines; the eastern White County line; the eastern Carroll County line south to State Route 25; State Route 25 southwest to Tippecanoe County; the eastern Tippecanoe County line;

Bounded on the South by the southern Tippecanoe County line; the eastern and southern Fountain County lines west to U.S. Route 41; and

Bounded on the West by U.S. Route 41 north to the northern Benton County line; the northern Benton County line east to State Route 55; State Route 55 north to U.S. Route 24; U.S. Route 24 east to the White County line; the western White and Pulaski County lines.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Kentland Elevator & Supply, Inc., Boswell, Benton County; Dunn Grain, Dunn, Benton County; Kentland Elevator & Supply, Inc., Earl Park, Benton County; Demeter, Inc., Raub, Benton County (located inside Champaign-Danville Grain Inspection Departments, Inc.'s, area); and The Andersons, Delphi, Carroll County; Frick Services, Inc., Leiters Ford, Fulton County; and Cargill, Inc., Linden, Montgomery County (located inside Frankfort Grain Inspection, Inc.'s, area).

Titus' assigned geographic area does not include the following grain elevators inside Titus' area which have been and will continue to be serviced by the following official agency: Schneider Inspection Service, Inc.: Frick Services, Inc., and Farmers Grain, both in Winamac, Pulaski County.

Interested persons, including Fremont and Titus, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in the Fremont and Titus areas is for the period beginning September 1, 1998, and ending August 31, 2001. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the Fremont and Titus official agencies. Commentors are encouraged to submit

pertinent data concerning the Fremont and Titus official agencies including information concerning the timeliness, cost, quality and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: February 23, 1998.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 98–5082 Filed 2–27–98; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Florida

AGENCY: Natural Resources Conservation Service (NRCS) in Florida, U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Florida for review and comment.

SUMMARY: It is the intention of NRCS in Florida to issue the following revised conservation practice standards for Florida: Conservation Cover (Code 327); Heavy Use Area Protection, (Code 561); Regulating Water in Drainage Systems, (Code 554); Structure for Water Control, (Code 587); Terrace, (Code 600); and Wildlife Watering Facility, (Code 648) in Section IV of the FOTG.

DATES: Comments will be received for a 30-day period commencing with the date of this publication.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to T. Niles Glasgow, State Conservationist, Natural Resources Conservation Service (NRCS), P.O. Box 141510, Gainesville, Florida 32614–1510. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment For the next 30 days the NRCS in Florida will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Florida regarding disposition of those comments and a final determination of change will be made.

Dated: September 3, 1997.

R.A. Balduzzi

Acting State Conservationist, Natural Resources Conservation Service, Gainesville, Florida.

[FR Doc. 98–4923 Filed 2–27–98; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Export Administration

Essam Alkadi; Export Privileges

In the matter of: Essam Alkadi (also known as Essam Al-Kadi), P.O. Box 201, Damman 31411, Saudi Arabia; Respondent.

Decision and Order

On May 16, 1997, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter ''BXA''), issued a charging letter initiating an administrative proceeding against Essam Alkadi, also known as Essam Al-Kadi (hereinafter collectively referred to as (''Alkadi''). The charging letter alleged that Alkadi committed one violation of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730–774 (1997)) (hereinafter the ''Regulations''),[1] issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401–2420 (1991 & Supp. 1997)) (hereinafter the ''Act'').[2] Specifically, the charging letter alleged that, on or about December 17, 1993, Alkadi attempted to export a U.S.-origin shotgun from the United States to Saudi Arabia without obtaining from BXA the validated export license required by Section 772.1(b) of the former Regulations, in violation of Section 787.3(b) of the former Regulations.

BXA presented evidence that it received a signed return receipt on August 19, 1997 indicating that the charging letter had been delivered. Because the receipt was returned from Saudi Arabia undated, however, BXA does not know the exact date of service. Under these circumstances, BXA designated August 19, 1997, the day BXA received the return receipt, as the date of service. Alkadi has failed to file an answer to the charging letter, as required by Section 766.7 of the Regulations, and is therefore in default. Thus, pursuant to Section 766.7 of the Regulations, BXA moved that the Administrative Law Judge (hereinafter the ''ALJ'') find the facts to be as alleged in the charging letter and render a Recommended Decision and Order.

Following BXA's motion, the ALJ issued a Recommended Decision and Order in which he found the facts to be as alleged in the charging letter, and concluded that those facts constitute one violation of the former Regulations by Alkadi, as BXA alleged. The ALJ also agreed with BXA's recommendation that the appropriate penalty to be imposed for that violation is a denial, for a period of three years, of all of Alkadi's export privileges. As provided by Section 766.22 of the Regulations, the Recommended Decision and Order has been referred to me for final action.

Based on my review of the entire record, I affirm the findings of fact and conclusions of law in the Recommended Decision and Order of the ALJ.

Accordingly, it is therefore ordered,

First, that, for a period of three years from the date of this Order, Essam Alkadi, also known as Essam Al-Kadi, P.O. Box 201 Dammam 31411, Saudi Arabia, may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any

[1] The alleged violation occurred in 1993. The Regulations governing the violation at issue are found in the 1993 version of the Code of Federal Regulations (15 C.F.R. Parts 768–799 (1993)). Those Regulations define the violation that BXA alleges occurred, and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructure Regulations, establish the procedures that apply to the matters set forth in this decisions and order.

[2] The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), and August 13, 1997 (62 *Fed. Reg.* 43629, August 15, 1997), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991 & Supp. 1997)).

other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that this Order shall be served on Alkadi and on BXA, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Dated: February 20, 1998.

William A. Reinsch,

Under Secretary for Export Administration.

[FR Doc. 98–5261 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 957]

Grant of Authority for Subzone Status the Gymboree Corporation; Apparel and Toys Warehousing/Distribution Dixon, CA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Wheras, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Sacramento-Yolo Port District (the Port of Sacramento), grantee of Foreign-Trade Zone 143, for authority to establish special-purpose subzone status at the warehousing/distribution (non-manufacturing) facility of The Gymboree Corporation, located in Dixon, California, was filed by the Board on October 24, 1997, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 76–97, 62 FR 58939, 10–31–97); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 143C) at the Gymboree Corporation facility in Dixon, California, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28. All quota merchandise shipped to the U.S. market from the subzone shall be subject to U.S. visa and quota requirements, as indicated in the application record.

Signed at Washington, DC, this 19th day of February 1998.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–5311 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 958]

Grant of Authority for Subzone Status; Bayer Corporation (Rubber Chemicals); Goose Creek, SC

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the South Carolina State Ports Authority, grantee of Foreign-Trade Zone 21, for authority to establish special-purpose subzone status at the rubber chemicals manufacturing plant of Bayer Corporation, in Goose Creek, South Carolina, was filed by the Board on February 18, 1997, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 9–97, 62 FR 9159, 2/28/97; amended, 62 FR 26773, 5/15/97); and,

Whereas, the Board adopts the findings and recommendations of the

examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application, as amended, is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the rubber chemicals manufacturing plant of Bayer Corporation, located in Goose Creek, South Carolina (Subzone 21C), at the location described in the application, as amended, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 19th day of February 1998.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–5310 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–401–805]

Court Decision: Certain Cut-to-Length Carbon Steel Plate From Sweden

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of court decision.

SUMMARY: On January 13, 1998, the United States Court of International Trade (''CIT'') affirmed the determination made by the Department of Commerce (''the Department'') pursuant to a voluntary remand of the final results of administrative review in the case of certain cut-to-length carbon steel plate from Sweden. *SSAB Svenkst Stal AB* v. *United States*, Slip Op. 98–3 (CIT January 13, 1998). In the remand determination, the Department determined that three types of rebates given to certain home market customers should be treated as direct selling expenses for which a circumstance-of-sale (''COS'') adjustment is appropriate.

EFFECTIVE DATE: January 23, 1998.

FOR FURTHER INFORMATION CONTACT: Carrie Blozy or Stephen Jacques, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0374 or 482–1391, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 1996, the Department published its final results of administrative review in the case of *Certain Cut-to-Length Carbon Steel Plate from Sweden; Final Results of Antidumping Duty Administrative Review*, 61 FR 15772 (''*Final Results*''). The review covered one manufacturer/exporter, SSAB Svenskt Stal AB (''SSAB''), of the subject merchandise for the period February 4, 1993, through July 31, 1994. In the final results, the Department reclassified SSAB's reported rebates as post-sale price adjustments (''PSPAs'') as there was no evidence that the buyer was aware of the conditions to be fulfilled and the approximate amount of the rebates at the time of sale. Further, because information on the record for this review indicated that these PSPAs were made and reported on a customer-specific, not transaction-specific, basis, the Department disallowed these PSPAs as direct adjustments and treated them, instead, as indirect expenses.

Based on the decision in *Torrington Co.* v. *United States*, 82 F.3d 1039 (Fed. Cir. 1996), the Department requested a remand to reconsider the propriety of making a COS adjustment for these PSPAs. Through an examination of the record, the Department found that all rebates were made on either a fixed or constant percentage-of-sales value or on a fixed and constant Swedish Kroner-per-ton of total tonnage sold. Therefore, the Department determined that these PSPAs qualified as direct selling expenses warranting a COS adjustment to foreign market value.

The Department filed its redetermination with the CIT on October 29, 1997. *See Final Results of Redetermination on Remand, SSAB Svenskt Stal AB* v. *United States, Court No. 96–05–01372, Slip Op. 97–123 (August 29, 1997)* (''*Remand Results*''). In its *Remand Results*, the Department stated that it would ''instruct the Customs Service to collect cash deposits at the above rate [of 7.25%] for entries from SSAB of cut-to-length carbon steel plate from Sweden'' (*Remand Results* at 4). Since then, parties and the CIT have agreed that such instructions would be incorrect because the Department has published subsequent administrative reviews that govern future cash deposits. Therefore, cash deposit rates will be governed not by the rate published in the *Remand Results*, but by the most recently completed administrative review, according to the Department's normal procedures. *See Certain Cut-to-Length Carbon Steel Plate from Sweden; Final Results of Antidumping Duty Administrative Review*, 62 FR 46947 (September 5, 1997). On January 13, 1998, the CIT affirmed the Department's remand determination (with the exception noted above).

As a result of the remand determination, the final dumping margin for the period February 4, 1993, through July 31, 1994 is as follows:

Manufacturer/exporter	Margin (percent)
SSAB	7.25

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. section 1516a(e), the Department must publish a notice of a court decision which is not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's decision in SSAB Svenskt Stal AB on January 13, 1998, constitutes a decision not in harmony with the Department's final results of review. Publication of this notice fulfills the *Timken* requirement. Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, until a ''conclusive'' court decision.

Dated: February 23, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–5309 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on April 7, 1998. The meeting will be from 2 p.m. to 4 p.m. in room 1863, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

The Committee provides advice and guidance to Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act.

The meeting will be open to the public with a limited number of seats

available. For further information or copies of the minutes, contact William Dawson, (202) 482–5155.

Dated: February 25, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.98–5299 Filed 2-27-98; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of Partially Closed Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act., 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet Tuesday, March 10, 1998 from 8:30 a.m. to 5:00 p.m. The Visiting Committee on Advanced Technology is composed of fifteen members appointed by the Director of NIST who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on NIST programs; report on the objectives and milestones for the Advanced Technology Program (ATP), the Manufacturing Extension Partnership (MEP), and the National Quality Program; benchmarking with other national laboratories; and a laboratory tour. Discussions on staffing of management positions at NIST scheduled to begin at 8:30 a.m. and to end at 9:00 a.m. on March 10, 1998, and the NIST budget, including funding levels of the MEP and ATP programs scheduled to begin at 4:30 p.m. and to end at 5:00 p.m. on March 10, 1998, will be closed.

DATES: The meeting will convene March 10, 1998, at 8:30 a.m. and will adjourn at 5:00 p.m. on March 10, 1998.

ADDRESSES: The meeting will be held in the Employees Lounge (seating capacity 80, includes 38 participants), Administration Building, at NIST, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Chris E. Kuyatt, Visiting Committee Executive Director, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone number (301) 975–6090.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 13, 1998, that portions of the meeting of the Visiting Committee on Advanced Technology which involve discussion of proposed funding of the Manufacturing Extension Partnership and the Advanced Technology Program may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because those portions of the meetings will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of meetings which involve discussion of the staffing issues of management and other positions at NIST may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: February 24, 1998.

Robert B. Hebner,

Acting Deputy Director.

[FR Doc. 98–5187 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 960223046–8030–03; I.D. 012398C]

RIN 0648–ZA09

Financial Assistance for Research and Development Projects To Strengthen and Develop the U.S. Fishing Industry

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of solicitation for applications.

SUMMARY: NMFS issues this document describing the conditions under which applications will be accepted under the Saltonstall-Kennedy (S–K) Grant Program and how NMFS will select applications for funding.

The S–K Grant Program assists eligible applicants in carrying out research and development projects that address various aspects of U.S. fisheries (commercial or recreational), including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

DATES: Applications must be received by close of business May 1, 1998, in one of the offices listed in **ADDRESSES**. Applicants must submit one signed original and nine signed copies of the completed application (including supporting information). No facsimile applications will be accepted.

ADDRESSES: Application packages can be obtained from, and completed applications sent to any office listed below:

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930; telephone: (978) 281–9267.

Regional Administrator, Southeast Region, NMFS, Koger Bldg., 9721 Executive Center Drive, North, St. Petersburg, FL 33702; telephone: (813) 570–5324.

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213; telephone: (562) 980–4033.

Regional Administrator, Northwest Region, NMFS, BIN C15700, 7600 Sand Point Way, N.E., Seattle, WA 98115; telephone: (206) 526–6115.

Regional Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, or Federal Building, 709 West 9th Street, 4th Floor, Juneau, AK 99801; telephone: (907) 586–7224.

In addition, this solicitation and the application package are available on the NMFS S–K Home Page at: www.nmfs.gov/sfweb/skhome.html.

FOR FURTHER INFORMATION CONTACT: Alicia L. Jarboe, S–K Program Manager, (301) 713–2358.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The S–K Act, as amended (15 U.S.C. 713c–3), provides that a fund (known as the S–K fund) will be used by the Secretary of Commerce to provide grants or cooperative agreements for fisheries research and development projects addressed to any aspect of U.S. fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures. U.S. fisheries [1] include any fishery,

[1] For purposes of this document, a fishery is defined as one or more stocks of fish, including

Continued

commercial or recreational, that is or may be engaged in by citizens or nationals of the United States, or citizens of the Northern Mariana Islands, the Republic of the Marshall Islands, Republic of Palau, and the Federated States of Micronesia.

The funding priorities of the S–K Grant Program have evolved over the years since the program began in 1980. The original focus of the program was on development of underutilized fisheries within the U.S. Exclusive Economic Zone (EEZ). The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), originally passed in 1976, directed NMFS to provide the domestic fishing industry priority access to the fishery resources in the EEZ. In an attempt to accelerate development of domestic fisheries, the American Fisheries Promotion Act of 1980 amended the S–K Act to stimulate commercial and recreational fishing efforts in underutilized fisheries.

In the ensuing years, the efforts to Americanize the fisheries were successful to the point that most nontraditional species were fully developed and traditional fisheries became overfished. Therefore, the S-K Program priorities evolved to include a wide range of resource conservation and management issues and aquaculture.

In 1993, NOAA developed a long-range Strategic Plan that included a focus on rebuilding fisheries for sustainable use. The NOAA Strategic Plan strengthened the basis for the continued shift in the priorities of the S–K Program toward issues such as overfishing and bycatch reduction.

The NOAA Fisheries Strategic Plan, produced by NMFS in 1997, continues to emphasize management for the sustainable use of living marine resources. The NOAA Fisheries Strategic Plan will guide NMFS marine resource management decisions over the next 5 years. It includes objectives to maintain healthy stocks; eliminate overfishing and rebuild overfished stocks; increase long-term economic and social benefits from living marine resources; promote environmentally sound aquaculture development; recover protected species; reduce conflicts involving protected species; and protect, conserve, and restore habitat/biodiversity.

Passage in 1996 of the Sustainable Fisheries Act (Public Law 104–297), which amended the Magnuson-Stevens Act, supported further adjustment to the S–K Program to address the current condition of fisheries.

The Magnuson-Stevens Act recognizes that U.S. fisheries face many problems. It also recognizes the adverse effects of fishing in terms of bycatch of nontarget species, and habitat impacts. The Magnuson-Stevens Act requires that overfishing be stopped and that the problems of U.S. fisheries be corrected. Specifically, the Magnuson-Stevens Act requires NMFS to undertake efforts to prevent overfishing, rebuild overfished fisheries, insure conservation, protect essential fish habitats, and realize the full potential of U.S. fishery resources. However, the Magnuson-Stevens Act also acknowledges the potential adverse impacts on people in making such corrections. Therefore, it requires that conservation and management measures, consistent with conservation requirements of the Magnuson-Stevens Act, take into account the importance of fishery resources to fishing communities in order to provide for the sustained participation of such communities and, to the extent practicable, minimize adverse economic impacts on such communities. A ''fishing community'' is defined in the Magnuson-Stevens Act as ''a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.'' (16 U.S.C. 1802 (16).)

The 1999 S–K Grant Program announced under this notification will address the needs of fishing communities in optimizing economic benefits within the context of rebuilding and maintaining sustainable fisheries and in dealing with the impacts of conservation and management measures. The funding priorities listed under section II of this notification identify areas of research and development that relate to these needs. The scope of this program is limited to marine species and Great Lakes species.

While the S–K Program continues to be open to applicants from a variety of sectors, including industry, academia, and state and local governments, successful applicants will be those whose projects demonstrate significant direct benefits to fishing communities.

B. Funding

NMFS issues this document to solicit applications for Federal assistance, pursuant to 15 U.S.C. 713c–3(c), describing the conditions under which applications will be accepted under the S–K Grant Program and how NMFS will select the applications it will fund.

This notification is published subject to, and funding of projects is contingent upon, the appropriation of funds by Congress for this program in Fiscal Year (FY) 1999, which begins on October 1, 1998. The Administration's request for the S–K Grant Program for FY 1999 is $4 million.

Funding under the program will be provided for research, development, and technology transfer activities that address the funding priorities listed in section II. Funding will not be provided for projects that primarily involve infrastructure construction, port and harbor development, and start-up or operational costs for private business ventures. Furthermore, projects primarily involving data collection should be directed to a specific problem or need and be of a fixed duration, not of a continuing nature, in order to be considered.

C. Catalogue of Federal Domestic Assistance

The S–K Grant Program is listed in the ''Catalogue of Federal Domestic Assistance'' under number 11.427, Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program.

II. Funding Priorities

Applicants should insure that their proposals address one of the following priorities as they pertain to marine or Great Lakes species. If more than one priority is selected, the priority that most closely reflects the objectives of the proposal should be listed first in the application.

The priorities are stated here in no particular order.

A. Minimize Interactions Between Fisheries and Protected or Non-Targeted Species

Develop methods to eliminate or reduce adverse interactions between fishing operations and nontargeted, protected, or prohibited species (e.g., juvenile or sublegal-sized fish and shellfish, females of certain crabs, marine turtles, seabirds, or marine mammals), including the inadvertent take, capture, or destruction of such species.

Conduct research on behavioral responses of both target and nontarget marine organisms to fishing gear and practices, including catch and release, in order to facilitate the design of gear and practices to actively avoid nontarget organisms.

Develop methods to improve the survivability of fish discarded or

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tuna, and shellfish that are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of a fishery are Alaskan groundfish, Pacific whiting, New England whiting, and eastern oysters.

intentionally released and protected species released in fishing operations, including modifications in gear, fishing practices, and handling practices to reduce the detrimental effects of capture and/or release, and develop methods to assess both the immediate and delayed mortality associated with capture and/or release.

Develop reliable methods to assess or record the extent and composition of fisheries bycatch, especially onboard vessels, to reduce the need for labor-intensive and expensive onboard observer programs.

B. Rebuild Overfished Fisheries/ Maintain Healthy Fish Stocks

Develop scientific information, plans, procedures, and methods that contribute to the rebuilding of overfished fisheries, including information on status of overfished stocks, prototype capacity reduction programs, and projects that facilitate the development of rebuilding plans for fisheries.

Conduct biological, economic, social, and other studies to support the development of sound management practices for important recreational and commercial species.

Develop alternative or innovative approaches to decrease mortality from catch and release fishing.

Develop innovative approaches to address the transition of fishing communities affected by declines in traditional commercial or recreational fisheries toward alternate employment, activities, or new business opportunities. These may include business planning or demonstration projects. However, the S–K Program does not cover business start-up and development expenses or ongoing operational expenses for individuals or individual companies.

Develop innovative approaches to improve fisheries management, including but not limited to, assessment of alternative management systems and resolution of user conflicts.

C. Obtain Maximum Social and Economic Benefits from Harvestable Marine Resources

Contribute to the development of commercial and recreational fisheries for underutilized or non-utilized species of potential economic importance, while maintaining long-term sustainability.

Optimize the utilization of harvestable resources through innovations in how such resources are targeted, harvested, processed, marketed, or released.

Develop marketable products from economic discards, either whole fish discarded because they are an undesirable species, size, or sex, or parts of fish discarded as not commercially useful.

Develop improved approaches to control environmental hazards which affect fishery resource health and the safety of harvested fish and their products for human consumption.

D. Promote Aquaculture Development in the Marine Environment

Develop or demonstrate cost-effective approaches for advancing environmentally sound public and private mariculture for food, enhancement, industrial, and other purposes.

Develop and evaluate culture systems that reduce the potential for negative impacts on wild stocks and protected resources.

Develop models for aquaculture regulation that address the impediments to development caused by current regulatory processes.

E. Conserve and Enhance Essential Fish Habitat

Develop and test procedures to characterize the condition of essential fish habitat (such as water quality criteria, indicators of biological integrity, and biodiversity).

Develop scientific approaches to assess and reduce human induced impacts on essential fish habitat.

If proposals received do not adequately respond to the above listed priorities, NMFS may carry out, in addition to the program announced by this document, a national program of research and development addressed to aspects of U.S. fisheries pursuant to section 713c–3(d) of the S–K Act, as amended.

III. How to Apply

A. Eligible Applicants

Applications for grants or cooperative agreements for fisheries research and development projects may be made, in accordance with the procedures set forth in this document, by:

1. Any individual who is a citizen or national of the United States;

2. Any individual who is a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the constitution of the NMI;

3. Any individual who is a citizen of the Republic of the Marshall Islands, Republic of Palau, or the Federated States of Micronesia; or

4. Any corporation, partnership, association, or other non-Federal entity, non-profit or otherwise, if such entity is a citizen of the United States or NMI, within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. app. 802).

DOC/NOAA/NMFS are committed to cultural and gender diversity in their programs and encourage women and minority individuals and groups to submit applications. Recognizing the interest of the Secretaries of Commerce and Interior in defining appropriate fisheries policies and programs that meet the needs of the U.S. insular areas, applications from individuals, government entities, and businesses in U.S. insular areas are also encouraged. Furthermore, NMFS encourages applications from members of the fishing community, and applications that involve fishing community cooperation and participation. The extent of fishing community involvement will be considered by the Constituent Panel(s) evaluating the potential benefit of funding a proposal.

DOC/NOAA/NMFS employees, including full-time, part-time, and intermittent personnel are not eligible to submit an application under this solicitation or aid in the preparation of an application, except to provide information on program goals, funding priorities, application procedures, and completion of application forms. Since this is a competitive program, NMFS employees will not provide assistance in conceptualizing, developing, or structuring proposals, or write letters of support for a proposal.

Employees of Federal agencies, and Regional Fishery Management Councils and their employees, are not eligible to submit an application under this solicitation.

B. Duration and Terms of Funding

Generally, grants or cooperative agreements are awarded for a period of 1 year but no more than 18 months at a time.

If an application for an award is selected for funding, NMFS has no obligation to provide any additional prospective funding in connection with that award in subsequent years. Any subsequent proposal to continue work on an existing project must be submitted to the competitive process for consideration and will not receive preferential treatment. Renewal of an award to increase funding for an additional period is at the discretion of Commerce.

Publication of this announcement does not obligate NMFS to award any specific grant or cooperative agreement or to obligate any part or the entire amount of funds available.

C. Cost-Sharing

For this solicitation, NMFS is requiring cost-sharing in order to leverage limited funds and to encourage partnerships among government, industry, and academia to address the needs of fishing communities. A minimum of 10 percent up to a maximum of 50 percent cost-share is required. (NMFS must contribute at least 50 percent of total project costs, as provided by statute.) Applications that do not provide for at least the minimum cost-share will be returned to the applicant and will not receive further consideration.

The non-Federal share may include funds received from private sources or from state or local governments or the value of in-kind contributions. Federal funds may not be used to meet the non-Federal share except as provided by Federal statute. In-kind contributions are non-cash contributions provided by the applicant or non-Federal third parties. In-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to the project, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project.

The appropriateness of all cost-sharing proposals, including the valuation of in-kind contributions, will be determined on the basis of guidance provided in the relevant Office of Management and Budget (OMB) Circulars. In general, the value of in-kind services or property used to fulfill the applicant's cost-share will be the fair market value of the services or property. Thus, the value is equivalent to the costs of obtaining such services or property if they had not been donated. Appropriate documentation must exist to support in-kind services or property used to fulfill the applicant's cost-share.

The degree to which cost-sharing exceeds the minimum level may be taken into account by the NOAA Assistant Administrator for Fisheries (AA) in the final selection of projects to be funded. Applicants whose proposals are selected for funding will be obligated to account for the amount of cost-share reflected in the award documents.

D. Format

Project applications must be clearly and completely submitted in the following format:

1. *Cover sheet.* An applicant must use OMB Standard Form 424 and 424B (4–92) as the cover sheet for each project. (In completing item 16 of Standard Form 424, see section V.A.5. of this document.)

2. *Project Summary.* An applicant must complete NOAA Form 88–204 (10–95), Project Summary, for each project. The specific priority contained in section II of this document to which the application responds must be listed on the Project Summary.

3. *Project Budget.* A budget must be submitted for each project, using NOAA Form 88–205 (10–95), Project Budget and associated instructions. The applicants must submit detailed cost estimates showing total project costs. Cost-sharing must be indicated as Federal and non-Federal shares, divided into cash and in-kind contributions. To support the budget, the applicant must describe briefly the basis for estimating the value of the cost-sharing derived from in-kind contributions. Estimates of the direct costs must be specified in the categories listed on the Project Budget form.

The budget may also include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal government. The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award, or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less. The Federal share of the indirect costs may not exceed 25 percent of the total proposed direct costs. Applicants with approved indirect cost rates above 25 percent of the total proposed direct costs may use the amount above the 25-percent level up to the 100-percent level as part of the non-Federal share. A copy of the current, approved, negotiated indirect cost agreement with the Federal government must be included in the application.

NMFS will not consider fees or profits as allowable costs for applicants.

The total costs of a project consist of all allowable costs incurred, including the value of in-kind contributions, in accomplishing project objectives during the life of the project. A project begins on the effective date of an award agreement between the applicant and an authorized representative of the U.S. Government and ends on the date specified in the award. Accordingly, the time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to award, are neither reimbursable nor recognizable as part of the cost-share.

4. *Narrative Project Description.* The narrative project description may be up to 15 pages in length. The narrative should demonstrate knowledge of relevant research and development activity, and demonstrate how the proposal builds upon any past and current work in the subject area, as well as relevant work in related fields. Each project must be described as follows:

a. *Project goals and objectives.* Identify the problem/opportunity to be addressed by the proposed project and what the project is expected to accomplish. Identify the specific priority to which the project responds. Indicate the size and economic value of the fisheries involved and the fishing community affected. If the application is for the continuation of a project previously funded under the S–K Program, describe in detail the progress to date and explain why additional funding is necessary.

b. *Project impacts.* Describe the anticipated impacts of the project on fishing communities in terms of reduced bycatch, increased product yield, or other measurable factors. Describe how the results of the project will be made available to the public.

c. *Evaluation of project.* Specify the criteria and procedures that will be used to evaluate the relative success or failure of a project in achieving its objectives.

d. *Need for government financial assistance.* Explain why government financial assistance is needed for the proposed work. List all other sources of funding that are being or have been sought for the project.

e. *Participation by persons or groups other than the applicant.* Describe the participation by government and non-government entities, particularly members of fishing communities, in the project, and the nature of such participation.

f. *Federal, state, and local government activities and permits.* List any existing Federal, state, or local government programs or activities that this project would affect, including activities requiring certification under state Coastal Zone Management Plans, those requiring section 404 or section 10 permits issued by the Corps of Engineers, those requiring experimental fishing or other permits under fishery management plans, and those requiring scientific permits under the Endangered Species Act and/or the Marine Mammal Protection Act. Describe the relationship between the project and these plans or activities, and list names and addresses of persons providing this information.

g. *Project statement of work:* The statement of work is an action plan of activities to be conducted during the

period of the project. This section requires the applicant to prepare a detailed narrative, fully describing the work to be performed that will achieve the previously articulated goals and objectives. The narrative should respond to the following questions:

(1) What is the project design? What specific work, activities, procedures, statistical design, or analytical methods will be undertaken?

(2) Who will be responsible for carrying out the various activities? (Highlight work that will be subcontracted and provisions for competitive subcontracting.)

(3) What are the major products?

A milestone chart must be included which graphically illustrates the specific activities and associated time lines to conduct the scope of work. Time lines should be described in increments (e.g., month 1, month 2), rather than by specific dates. The individual(s) responsible for the various specific activities shall be identified.

Because this information is critical to understanding and reviewing the application, NMFS encourages applicants to provide sufficient detail. Applications lacking sufficient detail may be eliminated from further consideration.

h. *Project management.* Describe how the project will be organized and managed. Identify the principal participants in the project and include copies of any agreements between the participants and the applicant describing the specific tasks to be performed. Provide a statement of the qualifications and experience (e.g., resume or curriculum vitae) of the principal investigator(s) and any consultants and/or subcontractors, and indicate their level of involvement in the project. If any portion of the project will be conducted through consultants and/or subcontracts, applicants must follow procurement guidance in 15 CFR part 24, ''Grants and Cooperative Agreements to State and Local Governments,'' and OMB Circular A–110 for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations. Commercial organizations and individuals who apply should use OMB Circular A–110. If a consultant and/or subcontractor is selected prior to application submission, indicate the process used for selection.

5. *Supporting documentation.* This section should include any required documents and any additional information necessary or useful to the description of the project. The amount of information given in this section will depend on the type of project proposed.

IV. Evaluation Criteria and Selection Procedures

A. Evaluation of Proposed Projects

1. *Initial Screening of Applications*

Upon receipt NMFS will screen applications for conformance with requirements set forth in this document. Applications that do not conform to the requirements may not be considered for further evaluation. In addition, proposals from ineligible applicants or those seeking funds primarily for infrastructure development and business costs will not be considered and will be returned to the applicant.

2. Consultation with Interested Parties

As appropriate, NMFS will consult with NMFS Offices, the NOAA Grants Management Division (GMD), Commerce and other Federal and state agencies, the Regional Fishery Management Councils, and other interested parties who may be affected by or have knowledge of a specific proposal or its subject matter.

3. Technical Evaluation

NMFS will solicit individual technical evaluations of each project application from three or more appropriate private and public sector experts. These reviewers will assign scores ranging from a minimum of 60 (poor) to a maximum of 100 (excellent) to applications based on the following evaluation criteria, with weights shown in parentheses:

a. *Soundness of project design/ conceptual approach.* Applications will be evaluated on the fishing community need(s) to be addressed by the project; the conceptual approach; whether the applicant provided sufficient information to evaluate the project technically; and, if so, the strengths and/or weaknesses of the technical design relative to securing productive results. (50 percent)

b. *Project management and experience and qualifications of personnel.* The organization and management of the project, and the project's principal investigator and other personnel in terms of related experience and qualifications will be evaluated. The principal investigator must be identified in order for the application to be accepted. (25 percent)

c. *Project evaluation.* The effectiveness of the applicant's proposed methods to monitor and evaluate the success or failure of the project in terms of meeting its original objectives will be examined. (10 percent)

d. *Project costs.* The justification and allocation of the budget in terms of the work to be performed will be evaluated. Unreasonably high or low project costs will be taken into account. (15 percent)

In addition to the above criteria, in reviewing applications that include consultants and contracts, NMFS will make a determination regarding the following:

(1) Is the involvement of the primary applicant necessary to the conduct of the project and the accomplishment of its objectives?

(2) Is the proposed allocation of the primary applicant's time reasonable and commensurate with the applicant's involvement in the project?

(3) Are the proposed costs for the primary applicant's involvement in the project reasonable and commensurate with the benefits to be derived from the applicant's participation?

4. Constituent Panel(s)

After the technical evaluation, individual comments will be solicited from a panel or panels of three or more representatives selected by the AA, from the fishing industry, state government, and others, as appropriate, to evaluate and rank the projects. Considered in the rankings, along with the technical evaluation, will be the significance of the problem or opportunity addressed in the project and the degree of involvement by fishing community members. Each panelist will rank the projects in terms of importance or need for funding, and provide recommendations on the level of funding NMFS should award and the merits of funding each project.

B. Selection Procedures and Project Funding

After projects have been evaluated and ranked, the reviewing NMFS offices will develop recommendations for project funding. These recommendations will be submitted to the AA who will determine the projects to be funded, ensuring that there is no duplication with other projects funded by NOAA or other Federal organizations, and that the projects selected for funding are those that best meet the objectives of the S–K Grant Program.

The exact amount of funds awarded to a project will be determined in preaward negotiations between the applicant and NOAA/NMFS representatives. The funding instrument (grant or cooperative agreement) will be determined by NOAA GMD. Projects should not be initiated in expectation of Federal funding until a notice of award document is received.

V. Administrative Requirements

A. Obligation of the Applicant

An Applicant must:

1. Meet all application requirements and provide all information necessary for the evaluation of the proposal, including one signed original and nine signed copies of the application.

2. Be available, upon request, to respond to questions during the review and evaluation of the proposal(s).

3. Complete Form CD–511, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.'' The following explanations are provided:

a. *Nonprocurement debarment and suspension.* Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

b. *Drug-free workplace.* Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants),'' and the related section of the certification form prescribed above applies;

c. *Anti-lobbying.* Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000; and

d. *Anti-lobbying disclosures.* Any applicant who has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, appendix B.

4. If applicable, require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to Commerce. An SF–LLL submitted by any tier recipient or subrecipient should be submitted to Commerce in accordance with the instructions contained in the award document. This requirement applies only to applicants whose applications are recommended for funding. All required forms will be provided to successful applicants.

5. Complete item 16 on Standard Form 424 (4–92) regarding clearance by the State Point Of Contact (SPOC) established as a result of E.O. 12372. A list of SPOCs may be obtained from any of the NMFS offices listed in this document (see **ADDRESSES**), and is also included in the ''Catalog of Federal Domestic Assistance.''

6. Complete Standard Form 424B (4–92), ''Assurances—Non-construction Programs.''

B. Obligations of Successful Applicants (Recipients)

A recipient of a grant award for a project must:

1. Manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

2. Keep records sufficient to document any costs incurred under the award, and allow access to records for audit and examination by the Secretary of Commerce, the Comptroller General of the United States, or their authorized representatives; and, submit financial status reports (SF 269) to GMD in accordance with the award conditions.

3. Submit semiannual project status reports on the use of funds and progress of the project to NMFS within 30 days after the end of each 6-month period. These reports will be submitted to the individual specified as the NMFS Program Officer in the funding agreement.

4. Submit a final report within 90 days after completion of each project to the NMFS Program Officer. The final report must describe the project and include an evaluation of the work performed and the results and benefits in sufficient detail to enable NMFS to assess the success of the completed project.

NMFS is committed to using available technology to achieve the timely and wide distribution of final reports to those who would benefit from this information. Therefore, recipients are required to submit final reports in electronic format, in accordance with the award terms and conditions, for publication on the NMFS Home Page. Costs associated with preparing and transmitting final reports to NMFS in electronic format are appropriately funded from the grant award. Requests for exemption from this requirement may be considered by NMFS on a case-by-case basis.

Formats for the semiannual and final reports, which have been approved by OMB, will be provided to successful applicants.

5. In order for NMFS to assist the grantee in disseminating information, the grantee is requested to submit all publications printed with grant funds (in addition to the final report in section V.B.4. above) to the NMFS Program Officer. Either three hard copies or an electronic version of any such publications should be submitted.

C. Other Requirements

1. *Federal policies and procedures.* Recipients and subrecipients are subject to all Federal laws and Federal and Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

2. *Name check review.* All recipients are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the recipient have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the recipient's management, honesty, or financial integrity.

3. *Financial management certification/preaward accounting survey.* Successful applicants for S–K funding, at the discretion of the NOAA Grants Officer, may be required to have their financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB Circulars prior to execution of the award. Any first-time applicant for Federal grant funds may be subject to a preaward accounting survey by Commerce prior to execution of the award.

4. *Past performance.* Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

5. *Delinquent Federal debts.* No award of Federal funds shall be made to an applicant or to its subrecipients who have an outstanding delinquent Federal debt or fine until either:

a. The delinquent account is paid in full,

b. A negotiated repayment schedule is established and at least one payment is received, or

c. Other arrangements satisfactory to Commerce are made.

6. *Buy American.* Applicants are hereby notified that they are encouraged to the extent feasible to purchase American-made equipment and

products with the funding provided under this program.

7. *Preaward activities.* If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of Commerce to cover preaward costs.

8. *False statements.* A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notification concerning grants, benefits, and contracts.

Furthermore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of E.O. 12866.

Applications under this program are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

This document contains collection-of-information requirements subject to the Paperwork Reduction Act. The collection of this information has been approved by OMB under control numbers 0348–0040, 0348–0043, 0348–0046, and 0648–0135.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

A solicitation for applications will also appear in the ''Commerce Business Daily.''

Dated: February 20, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–5184 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.012798B]

Highly Migratory Species and Billfish Advisory Panels; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Atlantic Highly Migratory Species (HMS) and Billfish Advisory Panels (APs) will hold a joint meeting to discuss issues in, and future management options for, the fisheries for Atlantic HMS.

DATES: The meeting will be held from 1:00 p.m. to 5:00 p.m. on March 16, from 8:00 a.m. to 5:00 p.m. on March 17, and from 8:00 a.m. to 4:00 p.m. on March 18, 1998. A public comment period is scheduled for Tuesday, March 17, 1998, from 7:00 to 9:00 p.m. at the meeting location.

ADDRESSES: The APs will meet at the Radisson Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa, FL. Written comments should be submitted to, and informational materials related to the AP meeting are available from, Jill Stevenson, Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson, telephone: (301) 713–2347, fax: (301) 713–1917.

SUPPLEMENTARY INFORMATION: The HMS and Billfish APs have been established under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* The APs will assist the Secretary of Commerce in collecting and evaluating information relevant to the development of a fishery management plan (FMP) for Atlantic tunas, swordfish and sharks and an amendment to the Billfish FMP. All AP meetings are open to the public and will be attended by members of the AP, including appointed members, representatives of the five Fishery Management Councils that work with HMS, and the Chair, or his representative, of the U.S. Advisory Committee to the International Commission for the Conservation of Atlantic Tunas. A public comment period is scheduled for Tuesday, March 17, 1998 from 7:00 to 9:00 p.m. at the meeting location. Comments are solicited on overfishing definitions and rebuilding analyses that will be presented at the AP meeting on Tuesday. To request informational materials related to the AP discussion or to submit public comments on overfishing definitions and rebuilding analyses, see **ADDRESSES.** Agenda items for the joint AP meeting include discussion of:

1. Objectives for the HMS FMP and Billfish FMP amendment;
2. Rebuilding scenarios for overfished stocks of Atlantic HMS;
3. Development of overfishing criteria and definitions for Atlantic HMS;
4. Research and monitoring requirements in HMS fisheries;
5. Permitting and reporting requirements in HMS fisheries; and
6. Enforcement issues in HMS fisheries.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jill Stevenson, 1315 East-West Highway, Silver Spring, MD 20910, phone (301) 713–2347, at least 7 days prior to the meeting date.

Dated: February 23, 1998.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–5182 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021798C]

New England Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce

ACTION: Closed Meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a one-day closed meeting, with a session open to the public before and after the closed meeting.

DATES: The meeting will be held on Wednesday, March 18, 1998 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Tara Ferncroft Conference Resort, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777-2500.

Council address: New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New

England Fishery Management Council; telephone: (781) 231-0422.

SUPPLEMENTARY INFORMATION: The Council will convene this previously unscheduled meeting specifically to address a number of administrative and personnel issues. Decisions on fishery management plan measures will not be considered. The meeting will be open to the public before and after the closed session for the purposes of providing the public with overviews of the closed meeting discussions.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for special accommodations should be addressed to the New England Fishery Management Council (see **ADDRESSES**). Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

Dated: February 24, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–5321 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021398A]

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public meeting notice amendment.

SUMMARY: The agenda for the meetings of the Western Pacific Fishery Management Council, which are scheduled for March 17–19, 1998, in Honolulu, HI, was published on February 20, 1998. See **SUPPLEMENTARY INFORMATION** for amendment to the meeting.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The initial agenda was published in the **Federal Register** on February 20, 1998 (63 FR 8612). The notice stated that only the Crustaceans Plan Team meeting would be held on March 17–19, 1998. This document amends that notice by announcing that the the Crustaceans Plan Team will be meeting jointly with the Crustaceans Advisory Panel. All other information previously published remains unchanged.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty Simonds at (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Dated: February 24, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–5186 Filed 2-27-98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022498D]

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Council (Council) will hold a meeting of its Ecosystem and Habitat Advisory Panel (EHAP), in Honolulu, HI.

DATES: The EHAP meeting will be held on March 20, 1998, from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Council office conference room, 1164 Bishop Street, Suite 1400, Honolulu, HI; telephone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The EHAP will discuss and may make recommendations to the Council on a draft comprehensive amendment to implement new Sustainable Fishery Act requirements (bycatch, fishing sectors, fishing communities, overfishing, essential fish habitat), primarily with regard to possible ecological impacts; the Essential Fish Habitat section of the amendment will receive special consideration.

Other agenda items that the EHAP will discuss and may take action on include:

1. Draft outline and concept for Coral Reef Ecosystem Fishery Management Plan;
2. Final Environmental Impact Statement (if available) for military use of Farallon de Mendinilla, Commonwealth of the Northern Mariana Islands; and
3. Other business as required.

Although other issues not contained in this agenda may come before this Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to meeting date.

Dated: February 24, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–5322 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022398B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of four applications for scientific research permits (1119, 1134, 1135, 1136) and an application for a scientific research/enhancement permit (1118).

SUMMARY: Notice is hereby given that the U.S. Fish and Wildlife Service, Mid-Columbia River Fishery Resource Office at Leavenworth, WA (FWS), the Columbia River Inter-Tribal Fish Commission at Portland, OR (CRITFC),

the U.S. Geological Survey at Cook, WA (USGS), and the Oregon Cooperative Fishery and Wildlife Research Unit at Oregon State University, Corvallis, OR (OCFWRU) have applied in due form for permits that would authorize takes of ESA-listed anadromous fish species for the purpose of scientific research.

DATES: Written comments or requests for a public hearing on any of the applications must be received on or before April 1, 1998.

ADDRESSES: The applications and related documents are available for review in the following office, by appointment:

Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Written comments or requests for a public hearing should be submitted to the Chief, Protected Resources Division, Portland.

FOR FURTHER INFORMATION CONTACT: For Applications 1118 and 1119: Tom Lichatowich (503–230–5438). For Applications 1134, 1135, and 1136: Robert Koch (503–230–5424).

SUPPLEMENTARY INFORMATION: FWS, CRITFC, USGS, and OCFWRU request permits under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217-227).

FWS requests a 5-year permit (1118) for an annual direct take of endangered, naturally produced and artificially propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*) associated with a supplementation program at Winthrop Hatchery on the Methow River in WA. FWS proposes to receive ESA-listed steelhead eggs and/or juveniles from the Washington Department of Fish and Wildlife (WDFW) Wells Hatchery supplementation program, rear the fish in the hatchery, and release the fish when they are ready to outmigrate. WDFW is authorized takes of ESA-listed steelhead under permit 1094, issued on February 4, 1998 (63 FR 8435, February 19, 1998). The Winthrop Hatchery supplementation program is well-suited to aid in the recovery of endangered steelhead because the hatchery is located in the fish's historical upriver habitat. In addition, transfers of ESA-listed juvenile steelhead from WDFW to FWS' Winthrop Hatchery will spread the risk of a catastrophic accident at any one facility which could have serious consequences to one specific brood year. FWS also requests an annual incidental take of ESA-listed species associated with fish releases from the supplementation program.

FWS requests a 5-year permit (1119) for an annual take of adult and juvenile, endangered, upper Columbia River steelhead associated with two scientific research studies. The purpose of Study 1 is to gather data on emigrating juvenile salmon and steelhead. The purpose of Study 2 is to conduct snorkel surveys in various watersheds as part of inventory and artificial structure monitoring projects. The data obtained from both studies will be used to determine the survival and contribution of chinook salmon and steelhead released from FWS' mitigation hatchery programs in central WA and to provide technical assistance to agencies, tribes, and interest groups using and managing aquatic resources in the mid to upper-Columbia River Basin. ESA-listed adult and juvenile fish are proposed to be observed during snorkel surveys. ESA-listed juvenile fish are proposed to be captured with screw traps, handled, and released. ESA-listed juvenile fish indirect mortalities associated with the scientific research activities are also requested.

CRITFC requests a 5-year permit (1134) that would authorize annual takes of juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*); adult and juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*); adult and juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*); adult and juvenile, endangered, naturally-produced and artificially-propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*); and adult and juvenile, threatened, Snake River steelhead (*Oncorhynchus mykiss*) associated with scientific research in the Columbia and Snake River Basins in the Pacific Northwest. CRITFC also requests an annual take of adult and juvenile lower Columbia River steelhead (*Oncorhynchus mykiss*) which is currently proposed as threatened. CRITFC proposes to conduct eight research tasks: (1) Juvenile chinook salmon, steelhead, and coho salmon surveys; (2) juvenile anadromous salmonid outmigration studies; (3) chinook salmon and steelhead escapement surveys; (4) scale sampling at Bonneville Dam; (5) cryopreservation of chinook salmon and steelhead gametes; (6) gas bubble trauma sampling; (7) subyearling fall chinook salmon research; and (8) westslope cutthroat trout genetic inventory. CRITFC proposes to observe/harass ESA-listed fish during surveys and redd counts, to collect tissue/scale samples and biological information from ESA-listed fish during escapement and carcass surveys, to collect gametes from post-spawned ESA-listed adult fish, and to employ seines, traps, and electrofishing to capture ESA-listed juvenile fish to apply passive integrated transponder (PIT) tags and other marks for migration studies. A lethal take of juvenile, ESA-listed, Snake River fall chinook salmon is requested. ESA-listed juvenile fish indirect mortalities associated with the research activities are also requested.

USGS requests a 5-year scientific research permit (1135) for annual takes of juvenile lower Columbia River steelhead, currently proposed as threatened. The purpose of the research is to examine the hypothesis that individual juvenile steelhead must grow to a critical size during their first and second summers to survive harsh winter conditions in streams. The results of this research will provide data and models that demonstrate how habitat conditions, such as temperature, influence fish growth and potential survival in natal streams, particularly in the Wind River Basin. Juvenile fish are proposed to be collected from streams in the Wind River Basin using electrofishing, anesthetized, handled to acquire biological data, allowed to recover from the anesthetic, and released. A lethal take of juvenile fish is requested. Indirect mortalities of juvenile fish associated with the research activities are also requested.

OCFWRU requests a 3-year permit (1136) for annual takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon; juvenile, endangered, naturally produced and artificially propagated, upper Columbia River steelhead; and juvenile, threatened, Snake River steelhead associated with research designed to compare biological and physiological indices of wild and hatchery juvenile fish exposed to stress from bypass, collection, and transportation activities at the dams on the Snake and Columbia Rivers in the Pacific Northwest. The purpose of the research is to determine effects of manmade structures and management activities on outmigrating salmonids and to provide information to improve their survival. ESA-listed juvenile fish are proposed to be captured using lift nets or dipnets at Lower Granite Dam on the Snake River and McNary Dam on the Columbia River or acquired from Smolt Monitoring

Program personnel, operating under the authority of a separate permit, at Bonneville Dam on the Columbia River. Captured ESA-listed fish are proposed to be examined and released or tagged with radio transmitters, held for as long as 24 hours, released, and tracked electronically. Some lethal take is requested. ESA-listed juvenile fish indirect mortalities associated with research activities are also requested.

To date, protective regulations for threatened Snake River steelhead under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of applications requesting takes of this species is issued as a precaution in the event that NMFS issues protective regulations that prohibit takes of Snake River steelhead. The initiation of a 30-day public comment period on the applications, including their proposed takes of Snake River steelhead, does not presuppose the contents of the eventual protective regulations. To date, a listing determination for lower Columbia River steelhead under the ESA has not been promulgated by NMFS. This notice of receipt of applications requesting takes of this species is issued as a precaution in the event that NMFS issues a listing determination. The initiation of a 30-day public comment period on the applications, including their proposed takes of lower Columbia River steelhead, does not presuppose a listing determination. Those individuals requesting a hearing on any of the applications should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the above application summaries are those of the applicants and do not necessarily reflect the views of NMFS.

Dated: February 23, 1998.

Nancy I. Chu,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–5323 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

February 25, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: March 3, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67622, published on December 29, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 25, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the periods January 1, 1998 through March 26, 1998 (Categories 352/652) and January 1, 1998 through December 31, 1998.

Effective on March 3, 1998, you are directed to increase the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit [1]
338/638	964,072 dozen.
340/640	992,459 dozen.
342/642	636,449 dozen.
347/348/647/648	2,158,406 dozen of which not more than 1,148,820 dozen shall be in Categories 647/648.
352/652	2,759,208 dozen.
433	24,131 dozen.
442	81,930 dozen.
443	142,253 numbers.
444	81,930 numbers.
448	42,207 dozen.
633	145,623 dozen.

The guaranteed access levels for the foregoing categories remain unchanged.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–5298 Filed 2–27–98; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

AmeriCorps*VISTA Supervision and Transportation Support Guidelines

AGENCY: Corporation for National and Community Service.

ACTION: Notice of guidelines with request for comments.

SUMMARY: The Corporation for National Service (''Corporation'') plans to replace the VISTA Supervision and Transportation Support Guidelines published in the **Federal Register** on May 5, 1987 (52 FR 16422). These guidelines will enable AmeriCorps*VISTA to make a grant agreement, or other arrangements with a sponsoring organization to pay for on-the-job transportation and/or supervisory support for AmeriCorps*VISTA members. The Corporation invites all interested parties to comment on the issues discussed in this notice. Any comments received will be carefully considered in the development of the final AmeriCorps*VISTA Supervision and Transportation Support Guidelines.

DATES: Written comments must be submitted to the office listed in the

address section on or before March 25, 1998.

ADDRESSES: Send comments to Rosezina Dunn, AmeriCorps*VISTA Office, Corporation for National Service, Room 9110, 1201 New York Avenue, N.W., Washington, D.C. 20525. (See **SUPPLEMENTARY INFORMATION** section for policy on electronic access.)

FOR FURTHER INFORMATION CONTACT: Larry Bevan, Program and Field Support Manager, AmeriCorps*VISTA, (202) 606–5000, extension 206. For individuals with disabilities, information will be made available in alternative formats, upon request.

SUPPLEMENTARY INFORMATION: The Final Notice of VISTA Supervision and Transportation Support Guidelines, as published in the **Federal Register** on May 5, 1987 (52 FR 16422), will be replaced by new guidelines. This notice proposes new guidelines to ensure that AmeriCorps*VISTA members have the support to ensure that they may perform their assignments effectively. These guidelines will apply to AmeriCorps*VISTA sponsors and members serving under Title I, Part A of Pub. L. 93–113, as amended. The Corporation seeks public comment for all portions of these proposed guidelines. Comments submitted in response to this notice will be summarized and/or included in the final guidelines; they will also become a matter of public record. No electronic mail or facsimile transmission comments will be accepted.

AmeriCorps*VISTA Supervision and Transportation Support Guidelines Implementation

These Guidelines apply to all AmeriCorps*VISTA member supervision and/or on-the-job transportation support grant applications/agreements submitted to the Corporation for National Service on or after the effective date of the final notice.

1. Purpose

(a) Section 105(b) of the Domestic Volunteer Service Act of 1973, Public Law 93–113, as amended, requires the AmeriCorps*VISTA program to ensure that each member serving under Title I, Part A of the Act has available such allowances and support as will enable them to carry out the purpose and provisions of the Act and to perform their assignments effectively. In accordance with Section 105(b) and these guidelines, AmeriCorps*VISTA may make a commitment through a grant agreement, or other arrangement with a sponsor, to pay for on-the-job transportation and/or supervisory support of such members.

(b) This order establishes the policy and guidelines for determining:

(1) The circumstances under which grants or other arrangements for AmeriCorps*VISTA contributions to on-the-job transportation expenses of AmeriCorps*VISTA members may be negotiated between AmeriCorps*VISTA and the sponsor; and

(2) The circumstances under which grants or other arrangements for AmeriCorps*VISTA contributions to the cost of providing supervision for AmeriCorps*VISTA members may be negotiated between AmeriCorps*VISTA and the sponsor.

2. Scope

Provisions of this policy and guidelines apply to AmeriCorps*VISTA sponsors and members serving under Title I, Part A of Pub. L. 93–113, as amended.

3. Background

While AmeriCorps*VISTA must ensure that members have available such allowances and support as will enable them to perform their project assignments effectively, the provision of adequate on-the-job transportation and supervision for AmeriCorps*VISTA members is primarily the responsibility of the sponsoring organization.

AmeriCorps*VISTA recognizes, however, that in some instances sponsoring organizations requesting members for projects that conform to AmeriCorps*VISTA's programming criteria may need assistance in providing this support. Corporation State Program Directors are provided with limited financial resources for the purpose of entering into transportation and/or supervision arrangements with AmeriCorps*VISTA project sponsors.

When such arrangements are established with a sponsoring organization, they are to provide for the direct support of AmeriCorps*VISTA member transportation and supervision, as well as travel needed to supervise AmeriCorps*VISTA members. They are not intended to provide for other support needed to accomplish the goals of the project. All other overhead expenses such as supplies, materials, and equipment are the sole responsibility of the sponsoring organization.

4. Policy

(a) AmeriCorps*VISTA will provide full or partial funding for on-the-job transportation of AmeriCorps*VISTA members and/or for hiring of persons responsible for supervision of the members, but only in those cases where such support is deemed by the Corporation State Program Director to be:

(1) Necessary for the effective functioning of the AmeriCorps*VISTA members on the project, and

(2) Within these guidelines.

(b) Gradual assumption of transportation and/or supervision support by the sponsoring organization over the life of the project is encouraged.

(c) When a supervision and/or transportation arrangement is approved, the nature of the agreement between the Corporation State Program Director and the sponsor will be reflected in the relevant Memorandum of Agreement. Any agreement whereby AmeriCorp*VISTA provides funds for these purposes will include provisions to ensure that:

(1) Services are furnished at a reasonable rate;

(2) The rate conforms to sponsor's hiring policies and/or local prevailing salary levels;

(3) Any expenses incurred by the sponsoring organization over the agreed amount will be at its own expense.

(d) In developing/renewing projects, the Corporation State Program Director shall take into account the travel and supervisory requirements of the proposed project. AmeriCorps*VISTA project support funds will be provided only when needs of the project and the assigned members cannot be met by the sponsor's own structure and resources.

(e) Renewal of supervision and/or transportation grants arrangements will be based on needs, availability of resources, and project performance.

5. Guidelines for Transportation Arrangements

(a) The Corporation State Program Director will establish the following facts before approving AmeriCorps*VISTA funds to support on-the-job transportation for AmeriCorps*VISTA members:

(1) Necessity of transportation, including public transportation, for AmeriCorps*VISTA members to achieve the goals/objectives of the project as contained in the project application;

(2) Inability of the sponsoring organization to provide adequate transportation.

(b) The Corporation will not provide on-the-job transportation support for:

(1) Travel expenses incurred by AmeriCorps*VISTA members from their residence to their assigned post; and

(2) Transportation or delivery services to the population being served.

(c) The Corporation State Program Director will consider budget

constraints, available resources, and program and geographic priorities in distributing AmeriCorps*VISTA on-the-job transportation funds.

6. Guidelines for Supervision Arrangements

(a) The Corporation State Program Director shall establish the following facts before approving AmeriCorps*VISTA funds to support on-the-job supervision of AmeriCorps*VISTA members:

(1) Necessity of full- or part-time supervision for members to achieve the goals/objectives of the project as outlined in the project application;

(2) Inability of the sponsoring organization to provide adequate supervision;

(3) Number of AmeriCorps*VISTA members assigned to the project during the period covered by the Memorandum of Agreement;

(4) Necessity of supervisor job-related travel based on number of AmeriCorps*VISTA members assigned and the geographic dispersion of the project.

(b) The Corporation has determined that:

(1) Projects averaging three (3) or fewer AmeriCorps*VISTA members over the course of the Memorandum of Agreement will not be eligible for any AmeriCorps*VISTA supervisory funding.

(2) Projects averaging at least four (4) AmeriCorps*VISTA members during the term of the Memorandum of Agreement are eligible for part-time supervisory funding in the same ratio as the individual would spend in actual supervision, e.g., if the supervisor spends at least 30% time directly supervising the members, AmeriCorps*VISTA would fund up to 30% of salary.

(3) AmeriCorps*VISTA projects are eligible for funding of a full-time supervisory position if the project averages at least eight (8) AmeriCorps*VISTA members over the course of the Memorandum of Agreement.

(c) The Corporation State Program Director will consider budget constraints, available resources, and program and geographic priorities in distributing AmeriCorps*VISTA supervision funds.

7. Elimination or Reduction of Transportation and/or Supervision Funding

(a) As a general rule, the level of funding, determined by the Project Manager and contained in an AmeriCorps*VISTA project support grant/agreement, will be maintained throughout the term of the annual Memorandum of Agreement between the Corporation for National Service and the sponsoring organization. However, types of conditions that may cause the reduction or elimination of project support during the term of the annual Memorandum of Agreement are:

(1) Amendment by mutual agreement between the Corporation for National Service and the sponsor;

(2) Termination by the sponsor for any reason;

(3) Reassignment, resignation, or termination of AmeriCorps*VISTA members from the project before their term of service has ended with no replacements during that budget year;

(4) Substantial changes in AmeriCorps*VISTA member assignments; or

(5) Suspension or termination in accordance with 45 CFR Part 1206, Subpart A.

(b) All grant awards or agreements documenting supervisory or on-the-job transportation arrangements will contain language indicating that the AmeriCorps*VISTA funding may be reduced or eliminated in accordance with the provisions of this Guideline and the Memorandum of Agreement.

Dated: February 24, 1998.

Kenneth L. Klothen,

General Counsel.

[FR Doc. 98–5225 Filed 2–27–98; 8:45 am]

BILLING CODE 6060–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Technology, Defense Information Systems Agency, Defense Technical Information Center.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense for Acquisition and Technology announces the proposed extension of a currently approved collection and seeks public comment on the provisions thereof. Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 1, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Defense Technical Information Center, DoD Scientific and Technical Information Policy Office, ATTN: DTIC–S, 8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060–6218.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instrument, please write to the above address or call Mr. Dave Appler at (703) 767–9160.

TITLE, ASSOCIATED FORM, AND OMB NUMBER: Militarily Critical Technical Data Agreement (DD Form 2345), OMB Number 0704–0207.

NEEDS AND USES: The information collection requirement is necessary as a basis for certifying individuals or businesses to have access to DoD export-controlled militarily critical technical data subject to the provisions of 32 CFR 250. Individuals and enterprises who need access to unclassified DoD-controlled militarily critical technical data must certify on DD Form 2345 that data will be used only in ways that will inhibit unauthorized access and maintain the protection afforded by U.S. export control laws. The information collected is disclosed only to the extent consistent with prudent business practices, current regulations and statutory requirements and is so indicated on the Privacy Act Statement of DD Form 2345.

Affected Public: Businesses or other for-profit, Not-for-profit institutions.

Annual Burden Hours: 2000

Number of Respondents: 6,000

Responses Per Respondent: 1

Average Burden Per Response: 20 Minutes

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Use of DD Form 2345, Military Critical Technical Data Agreement, permits U.S. and Canada defense contractors to certify their eligibility to obtain certain unclassified technical data with military and space applications. Nonavailability of the form prevents defense contractors from

accessing certain restricted databases and obstructs conference attendance where restricted data will be discussed.

Dated: February 24, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–5191 Filed 2–27–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0245]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement Part 247, Transportation

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. Part of this information collection requirement is currently approved by the Office of Management and Budget (OMB) for use through September 30, 1998, under OMB Control Number 0704–0245. In addition, this extension reflects a transfer of reporting requirements currently approved under OMB Control Number 0704–0187 that more appropriately belong under this clearance. DoD proposes that OMB extend its approval for use through September 30, 2001.

DATES: Consideration will be given to all comments received by May 1, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, PDUSD(A&T) DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil. Please cite OMB Control Number 0704–0245 in all correspondence related to this issue. E-mail comments should cite OMB Control Number 0704–0245 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Susan L. Schneider, (703) 602–0131. A copy of the information collection requirements contained in the DFARS text is available electronically via the Internet at: http://www.dtic.mil/dfars/. Paper copies of the information collection requirements may be obtained from Ms. Susan L. Schneider, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Forms, and Associated OMB Control Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 247, Transportation, and the clauses at 252.247–7000, 252.247–7001, 252.247–7002, 252.247–7007, 252.247–7022, 252.247–7023, and 252.247–7024; OMB Control Number 0704–0245.

Needs and Uses: This information collection requirement is used by contracting officers in applying transportation and traffic management considerations in the acquisition of supplies, and in acquiring transportation or transportation-related services.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 152,320.

Number of Respondents: 102,625.

Responses per Respondent: 1.2.

Annual Responses: 302,625.

Average Burden per Response: 4.96.

Frequency: On occasion.

Summary of Information Collection

The information collection includes requirements relating to DFARS Part 247, Transportation.

a. DFARS 252.247–7000(a) requires contractors for stevedoring services to notify the contracting officer of unusual conditions associated with loading or unloading a particular cargo for potential adjustment of the contract labor rates.

b. DFARS 252.247–7001 requires contractors for stevedoring services, under contracts awarded using sealed bidding procedures, to notify the contracting officer of certain changes in the wage rates or benefits that apply to its direct labor employees, for potential adjustment to the existing contract commodity, activity, or work-hour prices. This requirement was previously approved under OMB Clearance 0704–0187.

c. DFARS 252.247–7002 permits contractors for stevedoring services, under contracts awarded using negotiation procedures, to deliver a written demand that the parties negotiate to revise the prices under the contract. This requirement was previously approved under OMB Clearance 0704–0187.

d. DFARS 252.247–7007(f) requires contractors for stevedoring services to furnish the contracting officer with satisfactory evidence of insurance before performance of any work under the contract.

e. DFARS 252.247–7022 requires the offeror to represent whether it anticipates that supplies will be transported by sea in the performance of any resulting contract or subcontract. This requirement was previously approved under OMB Clearance 0704–0187.

f. DFARS 252.247–7023(c) requires the contractor to submit a written request to the contracting officer for use of other than U.S. flag vessels in the performance of the contract.

g. DFARS 252–247–7023(d) requires the contractor to submit to the contracting officer, one copy of the rated on board vessel operating carrier's ocean bill of lading.

h. DFARS 252.247–7023(e) requires the contractor to provide, with its final invoice, a representation that: (1) no ocean transportation was used in the performance of the contract; (2) only U.S. flag vessels were used for all ocean shipments under the contract; (3) the contractor had the written consent of the contracting officer for all non-U.S.-flag ocean transportation; or (4) shipments were made on non-U.S.-flag vessels without the written consent of the contracting officer.

i. DFARS 252.247–7024(a) requires the contractor to notify the contracting officer when the contractor learns that supplies are to be transported by sea and the contractor indicated, in response to the solicitation, that it did not anticipate transporting any supplies by sea.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 98–5271 Filed 2–27–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board 1998 Summer Study Task Force on Joint Operations Superiority on the 21st Century

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board 1998 Summer Study Task Force on Joint Operations Superiority on the 21st Century will meet in closed session on March 17–18, 1998 at Strategic Analysis, Inc., 4001 N. Fairfax Driver, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will address Integrating Capabilities Underwriting Joint Operations Superiority in the 21st Century.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b© (1) (1994), and that accordingly this meeting will be closed to the public.

Dated: February 24, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–5189 Filed 2–27–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board 1998 Summer Study Task Force on Joint Operations Superiority on the 21st Century

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board 1998 Summer Study Task Force on Joint Operations Superiority on the 21st Century will meet in closed session on April 14–15, May 12–13, June 9–10, and July 7–8, 1998 at Strategic Analysis, Inc., 4001 N. Fairfax Drive, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will address Integrating Capabilities Underwriting Joint Operations Superiority in the 21st Century.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that these DSB Task Force meetings concern matters listed in 5 U.S.C. § 552b (1) (1994), and that accordingly these meetings will be closed to the public.

Dated: February 24, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–5190 Filed 2–27–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Supplemental Record of Decision (SROD) for the Disposal and Reuse Final Environmental Impact Statement for Carswell Air Force Base (AFB), Texas (TX)

On January 29, 1998, the Air Force issued a SROD for the disposal of Carswell AFB, TX. The decisions included in this SROD have been made in consideration of the Final Environmental Impact (FEIS) of Carswell AFB, TX, which was filed with the Environmental Protection Agency on July 15, 1994, and other relevant considerations.

The disposal of property at Carswell AFB is needed because it and its associated off-base former Weapons Storage Site officially closed on September 30, 1993, pursuant to the Defense Base Closure and Realignment Act (DBCRA) (Pub. L. No. 101–510, Title XXIX) and the recommendations of the Base Closure and Realignment Commission.

Carswell AFB and its associated off-base former Weapons Storage Site is comprised of approximately 2,580 acres of fee-owned property, approximately 70 acres of land located on the banks of Lake Worth leased from the City of Fort Worth under a 25-year lease which expires in 2012, and 628 acres of easements for a total of 3,278 acres. In the partial ROD signed on November 21, 1994, the Air Force approved disposition of approximately 2,266 acres. The Air Force has decided to dispose of the approximately 1,012 acres remaining of Carswell AFB and its associated off-base weapons storage site (Parcel K) in the following manner: Parcel E (approximately 40 acres), Parcel F (approximately 86 acres), Parcel G (approximately 206 acres), and Parcel H (approximately 42 acres) will be transferred to the Westworth Redevelopment Authority which is the official Local Redevelopment Authority (LRA) as an Economic Development Conveyance (EDC); Parcel I (approximately 129 acres) and Parcel J (approximately 1 acre) will be retained by the Air Force; and Parcel K (approximately 508 acres) will be disposed of through public sale.

The uses proposed for the property under the SROD are included in the proposed action in the FEIS and are consistent with the LRA's redevelopment plan. The LRA prepared the plan with the assistance of the broader community.

By this decision, the Air Force adopts certain mitigation measures, as described in the SROD, to protect public health and the environment. In response to the existing or forecasted environmental impacts to or in the area of Carswell AFB, subsequent property owners should consider implementation of the more specific mitigation measures associated with reuses they may undertake, as set forth in Chapter 4 of the FEIS.

Any questions regarding this matter should be directed to Mr. Charles R. Hatch, Program Manager, Division C. Correspondence should be sent to AFBCA/DC, 1700 North Moore Street, Suite 2300, Arlington, VA 22209–2809.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–5221 Filed 2–27–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.
ACTION: Notice of a system of records.

SUMMARY: The Department of the Army proposes to add a system of records notice to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on April 13, 1998, unless comments are received that would result in a contrary determination.

ADDRESSES: Privacy Act Officer, Records Management Program Division, U.S. Total Army Personnel Command,

ATTN: TAPC-PDR-P, Stop C55, Ft. Belvoir, VA 22060–5576.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390.

SUPPLEMENTARY INFORMATION: The complete inventory of Department of the Army record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on February 17, 1998, to the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: February 24, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0635/690 TAPC

SYSTEM NAME:

Army Career and Alumni Program, Pre-separation and Job Assistance Counseling.

SYSTEM LOCATION:

Primary location: Headquarters, U.S. Total Army Personnel Command, ATTN: TAPC-PDT-O, 2461 Eisenhower Avenue, Alexandria, VA 22331–0476.

Secondary locations: Army Career and Alumni Program Centers. A complete list of ACAP centers may be obtained by writing to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense military personnel (active/reserve duty) and their spouses; U.S. Coast Guard personnel and their spouses; Department of Defense civilian employees; U.S. Army National Guard personnel and their spouses; DoD personnel who retired no earlier than ninety (90) days prior to the date they requested ACAP services; and widows and widowers of deceased active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual's name, home address, Social Security Number, date of birth, job qualifications, DD Form 2648 (Pre-Separation Counseling Checklist), and similar or pre-separation/transition counseling related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C., Chapter 58; DoD Directive 1332.35; and E.O. 9397 (SSN).

PURPOSE(S):

To provide transition planning/counseling for individuals so that they may re-enter the civilian job market.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Commission on Servicemembers and Veterans Transition Assistance or its contractors, for purposes of carrying out those functions as set forth in Pub. L. 104-275, section 702.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored electronically on computers and on paper in file folders.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

All records are maintained in secured areas, accessible only to designated personnel whose official duties require they have access. The personal computer system can only be accessed through a system of passwords known only to the individual and the system administrator/supervisor. Paper files are secured in locked file cabinets. The areas where the personal computer and paper files are located are secured after duty hours in locked buildings.

RETENTION AND DISPOSAL:

Disposition pending.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDT-O, 2461 Eisenhower Avenue, Alexandria, VA 22331–0476.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in the system should address written inquiries to the Director of the ACAP Center where transition assistance was obtained or contact the system manager.

Requesting individual must submit full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Director of the ACAP Center where transition assistance was obtained or contact the system manager.

Requesting individual must submit full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, and the U.S. Coast Guard records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 98–5188 Filed 2–27–98; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend system of records.

SUMMARY: The Department of the Army is amending two systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed actions will be effective without further notice on April 1, 1998, unless comments are received which result in a contrary determination.

ADDRESSES: Privacy Act Officer, Records Management Program Division, U.S. Total Army Personnel Command, ATTN: TAPC-PDR-P, Stop C55, Ft. Belvoir, VA 22060–5576.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth

below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 24, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0001–20 SALL

SYSTEM NAME:

Congressional Inquiry File *(February 22, 1993, 58 FR 10027).*

CHANGES:

* * * * *

RETENTION AND DISPOSAL:

In the first sentence, change '5 years' to '2 years'.

* * * * *

A0001–20 SALL

SYSTEM NAME:

Congressional Inquiry File.

SYSTEM LOCATION:

Chief of Legislative Liaison, Office of the Secretary of the Army, 101 Army Pentagon, Washington, DC 20310–0101.

A segment of this system may exist at Department of the Army staff agencies, field operating agencies, major commands, installations, and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who writes to a Member of Congress requesting that the Member solicit information from the Department of the Army on their behalf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's request to the Member of Congress, the Member's inquiry to the Army, the Army's response, and relevant supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1034.

PURPOSE(S):

To conduct necessary research and/or investigations so as to provide information responsive to Congressional inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on microfilm records in an automatic retrieval device.

RETRIEVABILITY:

Retrieved by Congressmen and individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

In the Chief of Legislative Liaison, Office of the Secretary of the Army, records are destroyed after 2 years. In other offices of legislative coordination and control at Army Staff level and at headquarters of major and subordinate commands, records are destroyed after 3 years; at lower echelons, records are destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS;

Chief of Legislative Liaison, Office of the Secretary of the Army, 101 Army Pentagon, Washington, DC 20310–0101.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Chief of Legislative Liaison, Office of the Secretary of the Army, 101 Army Pentagon, Washington, DC 20310–0101; or to the legislative liaison and control officer at the Army Staff or field office known to have the record. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, current address and telephone number, and sufficient detail to permit locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Legislative Liaison, Office of the Secretary of the Army, 101 Army Pentagon, Washington, DC 20310–0101; or to the legislative liaison and control officer at the Army Staff or field office known to have the record. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, current address and telephone number, and sufficient detail to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual Member of Congress; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–57a DASG

SYSTEM NAME:

DoD DNA Registry *(October 3, 1997, 62 FR 51835).*

CHANGES:

* * * * *

RETENTION AND DISPOSAL:

Delete the parenthetical phrase in the first paragraph '(pending final approval of this reduced retention period by the National Archives and Records Administration)'.

* * * * *

A0040–57a DASG

SYSTEM NAME:

Armed Forces Repository of Specimen Samples for the Identification of Remains.

SYSTEM LOCATION:

Armed Forces Repository of Specimen Samples for the Identification of Remains, Armed Forces Institute of Pathology, 16050 Industrial Drive, Gaithersburg, MD 20877–1414.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense military personnel (active and reserve).

Civilian family members of Department of Defense military personnel (active and reserve) who voluntarily provide specimens for DNA typing for purpose of identifying the human remains of family members.

DoD civilian and contractor personnel deploying with the armed forces.

Other individuals may also be included in this system when the Armed Forces Institute of Pathology (AFIP) is requested by Federal, state, local and foreign authorities to identify human remains.

CATEGORIES OF RECORDS IN THE SYSTEM:

Specimen collections from which a DNA typing can be obtained (oral swabs, blood and blood stains, bone, and tissue), and the DNA typing results. Accession number, specimen locator information, collection date, place of collection, individual's name, Social Security Number, right index fingerprint, signature, branch of service, sex, race and ethnic origin, address, place and date of birth, and relevant kindred information, past and present.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 131; 10 U.S.C. 3013, Secretary of Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; E.O. 9397 (SSN); Deputy Secretary of Defense memorandum dated December 16, 1991; and Assistant Secretary of Defense (Health Affairs) memoranda dated January 5, 1993, March 9, 1994, April 2, 1996, and October 11, 1996.

PURPOSE(S):

Information in this system of records will be used for the identification of human remains. The data collected and stored will not be analyzed until needed for the identification of human remains.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, state, local and foreign authorities when the Armed Forces Institute of Pathology (AFIP) is requested to identify human remains.

To a proper authority, as compelled by other applicable law, in a case in which **all** of the following conditions are present:

(1) The responsible DoD official has received a proper judicial order or judicial authorization;

(2) The specimen sample is needed for the investigation or prosecution of a crime punishable by one year or more of confinement;

(3) No reasonable alternative means for obtaining a specimen for DNA profile analysis is available; and

(4) The use is approved by the Assistant Secretary of Defense for Heath Affairs.

The Army's 'Blanket Routine Uses' *do not* apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually and electronically.

RETRIEVABILITY:

By individual's surname, sponsor's Social Security Number, date of birth, and specimen reference or AFIP accession number.

SAFEGUARDS:

Access to the Armed Forces Institute of Pathology is controlled. Computerized records are maintained in controlled areas accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. All personnel whose duties require access to, or processing and maintenance of personnel information are trained in the proper safeguarding and use of the information. Any DNA typing information obtained will be handled as confidential medical information.

RETENTION AND DISPOSAL:

Records are maintained 50 years and then destroyed by shredding or incineration.

Statistical data used for research and educational projects are destroyed after end of project.

Military personnel, their civilian family members, or others may request early destruction of their individual remains identification specimen samples following the conclusion of the donor's complete military service or other applicable relationship to DoD. For this purpose, complete military service is not limited to active duty service; it includes all service as a member of the Selected Reserves, Individual Ready Reserve, Standby Reserve or Retired Reserve.

In the case of DoD civilians and contractor personnel, early destruction is allowed when the donor is no longer deployed by DoD in a geographic area which requires the maintenance of such samples. Upon receipt of such requests, the samples will be destroyed within 180 days, and notification of the destruction sent to the donor.

Requests for early destruction may be sent to the Repository Administrator, Armed Forces Repository of Specimen Samples for the Identification of Remains, Armed Forces Institute of Pathology, Washington, DC 20306–6000.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Information Officer, Office of the Surgeon General, U.S. Army Medical Command, ATTN: MCIM, 2050 Worth Road, Suite 13, Fort Sam Houston, TX 78234–6013.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Administrator, Repository and Research Services, ATTN: Armed Forces Repository of Specimen Samples for the Identification of Remains, Armed Forces Institute of Pathology, Walter Reed Army Medical Center, Washington, DC 20306–6000.

Requesting individual must submit full name, Social Security Number and date of birth of military member and branch of military service, if applicable, or accession/reference number assigned by the Armed Forces Institute of Pathology, if known. For requests made in person, identification such as military ID card or valid driver's license is required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves or deceased family members contained in this system should address written inquiries to the Administrator, Repository and Research Services, ATTN: Armed Forces Repository of Specimen Samples for the Identification of Remains, Armed Forces Institute of Pathology, Armed Forces Institute of Pathology, Walter Reed Army Medical Center, Washington, DC 20306–6000.

Requesting individual must submit full name, Social Security Number and date of birth of military member and branch of military service, if applicable, or accession/reference number assigned by the Armed Forces Institute of Pathology, if known.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, family member, diagnostic test, other available administrative or medical records obtained from civilian or military sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 98–5192 Filed 2–27–98; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Coastal Engineering Research Board (CERB)

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Dates of Meeting: March 17–18, 1998.

Place: U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.

Time: 8:30 a.m. to 5:00 p.m. (March 17, 1998); 8:30 a.m. to 3:00 p.m. (March 18, 1998).

FOR FURTHER INFORMATION CONTACT:

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Robin R. Cababa, Executive Secretary, Coastal Engineering Research Board, U.S. Army Engineer Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

SUPPLEMENTARY INFORMATION:

Proposed Agenda

The 1999 Coastal Engineering Program Review is to be held March 17–18, 1998. On Tuesday, March 17, a review of the Coastal Program work units concerning coastal navigation hydrodynamics, and coastal sedimentation and dredging will be presented. On Wednesday, March 18, coastal structure evaluation and design will be discussed, as well as proposed work units.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 98–5383 Filed 2–27–98; 8:45 am]

BILLING CODE 3710–PU–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 1, 1998.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 24, 1998.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: New.

Title: Study of Charter Schools Accountability.

Frequency: On occasion.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting Burden and Recordkeeping:

Responses: 60.

Burden Hours: 40.

Abstract: This two-year study will look at accountability relationships between charter schools and their sponsoring state/agencies and whether these relationships are defined by law or developed in practice. One part of the study is a survey of a sample of authorizing agencies in six states.

Office of Educational Research and Improvement

Type of Review: Revision.

Title: Common Core of Data Surveys.

Frequency: Annually.

Affected Public: Federal Government; State, local or Tribal Gov't, SEAs or LEAs.

Reporting Burden and Recordkeeping:

Responses: 57.

Burden Hours: 10,901.

Abstract: The Common Core of Data Surveys collect data annually from state education agencies about students and staff involved in the public elementary and secondary education system: membership, number of graduates and dropouts, and staff employed in instruction, administration, and support. The surveys also collect information about school and agency characteristics, and revenues and expenditures for public elementary and secondary education.

[FR Doc. 98–5206 Filed 2–27–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 1, 1998.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: February 24, 1998.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Extension.

Title: Consolidation Loan Rebate Fee Report.

Frequency: Monthly.

Affected Public: Business or other for-profit; State, local or Tribal Gov't; SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 400.

Burden Hours: 5,200.

Abstract: The Consolidation Loan Rebate Fee Report for payment by check for Electronic Funds Transfer (EFT) will be used by approximately 400 lenders participating in the Title IV, Part B loan programs. The information collected is used to transmit interest payment rebate fees to the Secretary of Education.

[FR Doc. 98–5207 Filed 2–27–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the public of their opportunity to attend.

DATE: March 19 and 20, 1998.

TIME: 8:30 a.m. to 5 p.m. on March 19; 8:30 a.m. to 3 p.m. on March 20.

LOCATION: Room 100, 80 F St., N.W., Washington, D.C. 20208–7564.

FOR FURTHER INFORMATION CONTACT: Thelma Leenhouts, Designated Federal Official, National Educational Research Policy and Priorities Board, 80 F St., N.W., Washington, D.C. 20208–7564. Telephone: (202) 219–2065; fax: (202) 219–1528; e-mail: Thelma__Leenhouts@ed.gov. Main telephone for Board office: (202) 208–0692.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The agenda for March 19 will cover reports to the Board on its commissioned study on the research, development, and dissemination system, and on the Schools for the New Millennium, a project of the National Endowment for the Humanities. On March 20, the Board will conduct its business meeting and hear reports on the application of standards for peer review and on the Third International Math and Science Study (TIMSS). A final agenda will be available from the Board's office on March 12. Records are kept of all Board proceedings and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 555 New Jersey Ave., N.W., Washington, D.C. 20208–7564.

Dated: February 25, 1998.

Eve M. Bither,

Executive Director.

[FR Doc. 98–5243 Filed 2–27–98; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats.

DATES: Thursday, March 5, 1998, 6:00 p.m.–9:30 p.m.

ADDRESSES: Westminster City Hall, Lower-level Multi-purpose Room, 4800 West 92nd Avenue, Westminster, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, EM

SSAB-Rocky Flats, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021, phone: (303) 420–7855, fax: (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation by the Rocky Flats Infrastructure Transition Task Force on options for potential reuse of facilities at Rocky Flats, and solicitation of community feedback on the reuse options developed.

2. Update from Rocky Flats on the environmental restoration activities planned for 1998. The site plans to clean up areas contaminated with both chemical and radioactive wastes.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the beginning of the meeting. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855. Hours of operation for the Public Reading Room are 9:00 am and 4:00 pm on Monday through Friday. Minutes will also be made available by writing or calling Deb Thompson at the Board's office address or telephone number listed above.

Issued at Washington, DC on February 24, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–5276 Filed 2–27–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Nevada Operations Office; Revocation of Notice Designating the Nevada Operations Office, Las Vegas, NV as an Off-Limits Area

AGENCY: U.S. Department of Energy.

ACTION: Notice of revocation.

SUMMARY: The notice with respect to the Nevada Operations Office of the Department of Energy (formerly Atomic Energy Commission) at 30 FR 13285, dated October 19, 1965, and revision thereof at 36 FR 7027, dated May 5, 1971, is revoked because the Department of Energy no longer occupies the property described therein. DOE has published at 60 FR 53174, dated October 12, 1995, trespass regulations regarding its new operations office.

FOR FURTHER INFORMATION CONTACT: Sandy Cross, 702/295–1114, Nevada Operations Office.

Issued in: Washington, DC, February 18, 1998.

Joseph S. Mahaley,

Director, Office of Security Affairs.

[FR Doc. 98–5277 Filed 2–27–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1746–000]

Central Louisiana Electric Company, Inc.; Notice of Filing

February 24, 1998.

Take notice that on February 5, 1998, Central Louisiana Electric Company, Inc. (CLECO), tendered for filing two service agreements under which CLECO will provide non-firm and short-term firm point-to-point transmission services to American Electric Power Service Corporation under its point-to-point transmission tariff.

CLECO states that a copy of the filing has been served on American Electric Power Service Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 9, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5304 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–181–007]

CNG Transmission Corporation; Notice of Status Report

February 24, 1998.

Take notice that on February 19, 1998, CNG Transmission Corporation (CNG), tendered for filing an updated status report on the further development of CNG's electronic communication systems, as required by the Commission's September 15, 1997, order in the above-referenced proceedings.

CNG states that copies of its filing have been mailed to all parties to the captioned proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 2, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5217 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–138–000]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

February 24, 1998.

Take notice that on February 18, 1998, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised sheets, bearing a proposed effective date of March 20, 1998:

Third Revised Sheet No. 039
Second Revised Sheet No. 040
Third Revised Sheet No. 046
Third Revised Sheet No. 055A
Fourth Revised Sheet No. 063A
Third Revised Sheet No. 163

Columbia Gulf states that the above referenced tariff sheets are being tendered for filing to correct the General Terms and Conditions (GTC), Section 1, of Columbia Gulf's Second Revised Volume No. 1 Tariff in order to reincorporate language for negotiated rate arrangements. Columbia Gulf previously filed to incorporate this language in its filings under Docket No. RP96–389 filed on September 25, 1996 and November 15, 1996. By Commission orders issued on October 31, 1996 (77 FERC ¶ 61,093) and March 12, 1997 (78 FERC ¶ 61,263), these and other tariff sheets were accepted to become effective November 1, 1996.

Prior to the aforementioned filings, Columbia Gulf had filed revised tariff sheets on June 21, 1996 in Docket No. RP96–283. The tariff sheets were proposed to incorporate certain new services and were to be effective on August 1, 1996, but were suspended by Commission order dated July 31, 1996 (76 FERC ¶ 61,104) to become effective January 1, 1997. On October 15, 1996, in Docket No. RP96–283, Columbia Gulf filed to withdraw certain tariff sheets and have the remaining tariff sheets to become effective May 1, 1997 in conjunction with Columbia Gulf's motion filing in Docket No. RP97–52. The Commission accepted the October 15, 1996 filing on December 18, 1996 (77 FERC ¶ 61,276). On April 29, 1997, Columbia Gulf filed its motion rate filing in Docket No. RP97–52 which was accepted by Commission order dated June 16, 1997 (79 FERC ¶ 61,351) with an effective date of May 1, 1997.

It has come to Columbia Gulf's attention that the language for the negotiated rates in its tariff was inadvertently omitted from the tariff sheets when they were motioned to come out of suspension and into effect on May 1, 1997. The instant filing places the negotiated language back into the GTC as applicable.

Columbia Gulf states that copies of its filing have been mailed to all firm customers, interruptible customers, affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5218 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM98–6–23–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 24, 1998.

Take notice that on February 20, 1998, Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, certain revised tariff sheets in the above captioned docket with a proposed effective date of January 1, 1998.

ESNG states that the purpose of the instant filing is to track rate changes attributable to storage services purchased from Transcontinental Gas Pipe Line Corporation (Transco) under its Rate Schedules GSS and LSS the costs of which are included in the rates and charges payable under ESNG's Rate Schedules GSS and LSS. This tracking filing is being made pursuant to Section 3 of ESNG's Rate Schedules GSS and LSS.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5220 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA96–189–002]

Maine Electric Power Company; Notice of Filing

February 24, 1998.

Take notice that on August 15, 1997, Maine Electric Power Company tendered for filing its compliance filing in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 9, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5307 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA96–189–003]

Maine Electric Power Company; Notice of Filing

February 24, 1998.

Take notice that on August 25, 1997, Maine Electric Power (MEPCo), tendered for filing revised portions of MEPCO's Order No. 888 compliance tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 9, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5308 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT98–9–000]

Natural Gas Pipeline Company of America; Notice of Changes in FERC Gas Tariff

February 24, 1998.

Take notice that on February 17, 1998, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Third Revised Sheet Nos. 360 and 361, to be effective March 19, 1998.

Natural states that the purpose of this filing is to tender a plan that will ensure compliance with 18 CFR 161.3 (e), (f), (g) and (k), and 18 CFR 250.16(b)(1). Natural states that the tariff sheets submitted modify Section 35.1 of the General Terms and Conditions of its tariff to comply with the separation of personnel and facilities required by the Commission's Order Following Staff Audit Report and Notice of Proposed Civil Penalties issued January 16, 1998 in Docket Nos. RP97–232–000, et al.

Natural requested any waivers which may be required to permit the tendered tariff sheets to become effective March 19, 1998.

Natural states that copies of the filing have been mailed to Natural's customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5212 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–139–000]

Natural Gas Pipeline Company of America; Notice of Section 4 Filing

February 24, 1998.

Take notice that on February 19, 1998, Natural Gas Pipeline Company of America (Natural) tendered for filing, pursuant to Section 4 of the Natural Gas Act, a notice of termination of service on its facilities known as the Hooker Gathering System in Texas County, Oklahoma. Natural states that it will sell and transfer the entire gathering system to Timberland Gathering and processing Company, Inc., a non-affiliated.[1]

Natural states that no contract for transportation service with Natural will be terminated as a result of the proposed termination of service.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. Under section 154.210 of the Commission's regulation, all such motions or protests should be filed on or before March 3, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5219 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

[1] Natural received authorization in Docket No. CP97–623–000, 81 FERC ¶61,390 (1997), to abandon, by sale to Timberland, the certificated facilities within the Hooker Gathering System.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–228–000]

Northern Natural Gas Company; Notice of Application

February 24, 1998.

Take notice that on February 13, 1998, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124 filed in Docket No. CP98–228–000 an application pursuant to Section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon, by sale to K N Gas Gathering, Inc. (KN) certain compression, pipeline and receipt and delivery point facilities, located in the State of Kansas (referred to as the facilities, located in the State of Kansas (referred to as the ''Hugoton Facilities''), to abandon services rendered thereby, and to abandon certain leased compression, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Northern proposes to convey to KN facilities consisting of 15 units at eight (8) compressor stations totaling 7,467 HP, approximately 126 miles of pipeline with diameters ranging between 4 inches and 24 inches, all receipt and delivery points located along the length of the pipelines, certain dehydration, and all appurtenant facilities. Northern also proposes to abandon all transportation services provided on the subject facilities and requests abandonment of firm transportation service wherein the primary receipt and/or delivery points are located on the facilities proposed to be abandoned. Northern states that the Hugoton facilities will be conveyed to KN for $1,921,800.

Northern asserts that KN will be filing with the Commission in the near future, a Petition for a Declaratory Order seeking a determination that the subject facilities, once conveyed to it, are gathering facilities exempt from the Commission's jurisdiction under Section 1(b) of the NGA.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before March 13, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulation Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the authorization is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5223 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA96–9–002]

PacifiCorp; Notice of Filing

February 24, 1998.

Take note that on August 19, 1997, PacifiCorp tendered for filing its compliance filing in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 9, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5306 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98–17–001]

PG&E Gas Transmission, Northwest Notice of Errata Filing

February 24, 1998.

Take notice that on February 19, 1998, PG&E Gas Transmission, Northwest Corporation (PG&E GT–NW) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, Substitute third Revised Sheet No. 68 to be effective February 2, 1998. PG&E GT–NW states that this sheet is being filed as an errata to the filing made January 30, 1998, in this docket.

PG&E GT–NW further states that a copy of this filing has been served on PG&E GT–NW's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5211 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP96–312–009; and GT98–19–000]

Tennessee Gas Pipeline Company; Notice of Tariff Filing

February 24, 1998.

Take notice that on February 18, 1998, Tennessee Gas Pipeline Company (Tennessee) tendered for filing and Commission approval (1) a Gas Transportation Agreement between Tennessee and Distrigas of Massachusetts, Inc. (DOMAC), hereinafter referred to as the DOMAC Service Agreement, and (2) Sixth Revised Sheet No. 412 of Tennessee's FERC Gas Tariff, Fifth Revised Volume No. 1. Tennessee requests an effective date of April 1, 1998 for the revised tariff sheet.

Tennessee states that the DOMAC Service Agreement is being filed both as a negotiated rate service agreement and as a non-conforming service agreement. The tariff sheet references the DOMAC Service Agreement as a non-conforming service agreement.

In its June 25, 1997 ''Order Issuing Certificates'' in Tennessee, Docket No. CP96–164–000 (June 25 Order), the Commission found that the rate which Tennessee proposed to charge DOMAC for service over the facilities certificated therein, i.e., the applicable rate under Tennessee's Rate Schedule FT–A, constituted a negotiated rate. Tennessee Gas Pipeline Company, 70 FERC ¶ 61,375 (1997). In accordance with the Commission's directive in its June 25 Order and consistent with the Commission's decisions in Noram Gas Transmission Company, 75 FERC ¶ 61,091 (1996) and Tennessee Gas Pipeline Company, 76 FERC ¶ 61,224 (1996), Tennessee is filing the DOMAC

Service Agreement as a negotiated rate contract.

Further, Although Tennessee does not believe that the DOMAC Service Agreement ''deviates in any material aspect'' from the pro forma FT–A Gas Transportation Agreement contained in Volume No. 1 of Tennessee's FERC Gas Tariff (Pro Forma FT–A Agreement), Tennessee is submitting the DOMAC Service Agreement for, Commission approval pursuant to Section 154.1(d) of the Commission's Regulations because it contains certain provisions which differ from Tennessee's Pro Forma FT–A Agreement.

Tennessee states that the DOMAC Service Agreement reflects the authorizations granted by the Commission in its June 25 Order.

Tennessee states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining he appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5216 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1839–000]

UtiliCorp United Inc.; Notice of Filing

February 24, 1998.

Take notice that on February 12, 1998, UtiliCorp United Inc., tendered for filing on behalf of its operating division, WestPlains Energy-Kansas, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 12, with American Electric Power Service Corporation. The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Kansas to American Electric Power Service Corporation pursuant to the tariff.

UtiliCorp also has tendered for filing a Certificate of Concurrence by American Electric Power Service Corporation.

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CAR 385.211 and 18 CAR 385.214). All such motions or protests should be filed on or before March 9, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5305 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–235–000]

Williams Gas Pipelines Central, Inc.; Notice of Request Under Blanket Authorization

February 24, 1998.

Take notice that on February 17, 1998, Williams Gas Pipelines Central, Inc. (Williams), One Williams Center, P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP98–235–000 a request pursuant to Sections 157.205 and 157. 216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon in place by sale to Warren Energy Resources, Limited Partnership (Warren) approximately 7.0 miles of 12-inch lateral pipelines and related facilities, located in Garfield County, Oklahoma, under Williams' blanket certificate issued in Docket No. CP82–479–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Williams proposes to abandon in place by sale to Warren approximately 7.0 miles of 12-inch lateral pipelines comprising the North Enid pipeline system and equipment related to or used in connection with the operation of these pipelines, located in Garfield County, Oklahoma. Warren proposes to purchase these pipelines to be used as part of its gathering system.

Williams states that the primary function of the 2-inch lines was to deliver volumes of gas from the Enid N.E. Plant into their Ringwood 16-inch line for further transmission on their general system. Williams declares it has determined that the 12-inch pipelines are no longer required by them and will serve a more useful purpose as a part of the Warren pipeline system. Williams states the sales price of the facilities is $56,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5210 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–213–007]

Columbia Gas Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Amended Market Expansion Project (Lines VM–105, VM–106, and VM–109) and Request for Comments on Environmental Issues

February 24, 1998.

The Staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will

discuss the environmental impacts of the construction and operation of facilities consisting of about 6.9 miles of 20- and 24-inch diameter pipeline proposed in the Amended Market Expansion Project (Lines VM–105, VM–106, and VM–109).[1] The pipeline facilities are proposed instead of certain compression which had previously been approved by the Commission. The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

Summary of the Proposed Project

Columbia Gas Transmission Corporation (Columbia) proposes to amend its Market Expansion Project authorized in a Commission Order dated May 14, 1997 (Order). Columbia states that due to a more detailed facility design analysis, it has determined that certain compression facilities approved in the Order are no longer required and certain other facilities not approved in the Order will be needed. The effect of the proposed facility revisions would be to decrease the overall cost of the Market Expansion Project facilities by about $3,280,700.

The new facilities that Columbia proposes to construct and the facilities its proposes to delete from the Market Expansion Project (facilities approved but not yet constructed) are listed below:

New Proposed Facilities (Louisa County, Virginia)

- Line VM–105 Loop—construct 0.3 mile of 20-inch-diameter loop on the suction side of the Boswells Tavern compressor Station;
- Line VM–106 Replacement—replace 0.6 mile of 12-inch-diameter pipeline with 24-inch-diameter pipeline on the discharge side of the Boswells Tavern Compressor Station;
- Upgrade a meter station within the Boswells Tavern Compressor Station; and
- Line VM–109—construct 6.0 miles of 24-inch-diameter pipeline loop from its mainline valve 3 to its Louisa Compressor Station.

Canceled Market Expansion Project Facilities

The following facilities are portions of the previously approved Market Expansion Project but have not yet been constructed. In this proposal, Columbia wishes to cancel these items in lieu of the new proposed facilities listed above.

- Louisa Compressor Station—a new 1,350 horsepower (hp) unit at the existing compressor station in Louisa County, Virginia and a relocated 1,140 hp unit from the Petersburg Compressor Station in Prince George County, Virginia.
- Petersburg Compressor Station—a new 1,100 hp unit at the existing compressor station in Prince George County, Virginia.
- Hamlin Compressor Station—a new 3,175 hp compressor station in Lincoln County, West Virginia and a relocated 825 hp unit from the Dungannon Compressor Station in Columbiana County, Ohio.

The location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require the disturbance of about 85 acres of land. Following construction, about 14 acres would be maintained as new permanent right-of-way. The remaining 71 acres of land would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires use to discover and address concerns the public may have about proposals. We call this ''scoping.'' The mail goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety
- Land use
- Cultural resources
- Air quality and noise
- Hazardous waste

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resources areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Columbia. This preliminary list of issues may be changed based on your comments and our analysis.

- About 0.46 acre of forested wetland would be permanently converted to emergent wetland in the project area.
- A total of 5.4 miles of the Line VM–109 Loop would cross the Green Springs Rural Historic District which is listed as a National Historic Landmark.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your letter to: David P. Boergers, Acting Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental

[1] Columbia Gas Transmission Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

Review and Compliance Branch, PR–11.2

- Reference Docket No. CP96–213–007; and
- Mail your comments so that they will be received in Washington, DC on or before March 26, 1998.

If you are interested in obtaining procedural information, please write to the Secretary of the Commission.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor.'' Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

You do not need intervenor status to have your environmental comments considered.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5224 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis

February 24, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Minor License.

b. Project No.: 11120–002.

c. Date Filed: March 3, 1994.

d. Applicant: Commonwealth Power Company.

e. Name of Project: Middleville Hydroelectric Project.

f. Location: On the Thornapple River, Thornapple Township, Barry County, Michigan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Jan Marie Evans, Commonwealth Power Company, 4572 Sequoia Trail, Okemos, MI 48864, (517) 351–5400.

i. FERC Contact: Mark Pawlowski, 202–219–2795, or E-mail at mark.pawlowski@ferc.fed.us.

j. Deadline Date: See attached paragraph D9.

k. Status of Environmental Analysis: The application is now ready for environmental analysis—see attached paragraph D9.

l. Brief Description of Project: The proposed project would consist of: (1) an existing concrete, gravity dam 12 feet high and 80 feet long; (2) an existing reservoir with a storage capacity of approximately 30 acres and a normal maximum surface elevation of 708.5 feet mean sea level; (3) an existing penstock approximately 25 feet by 25 feet; (4) an existing powerhouse with one generating unit having a capacity of 350 kilowatts; (5) an existing transmission line approximately 100 feet long; and (6) appurtenant facilities.

m. This notice also consists of the following standard paragraphs: A4 and D9.

n. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at: 888 First St., N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. A copy of the application is also available at Commonwealth Power Company, Sequoia Trail, Okemos, MI 48864, or by calling (517) 351–5400.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 Fed. Reg. 23108 (May 20, 1991)), that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must: (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). *Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to:* Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 5K–01, at the above address. Each filing must be accompanied by proof of service on all persons listed in service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5213 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis

February 24, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Minor License.

b. Project No.: 11516–000.

c. Date Filed: January 25, 1995.

d. Applicant: Commonwealth Power Company.

e. Name of Project: Irving Dam Hydroelectric Project.

f. Location: ON the Thornapple River, near Irving, Barry County, Michigan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C.

h. Applicant Contact: Jan Marie Evans, Commonwealth Power Company, 4572 Sequoia Trail, Okemos, MI 48864, (517) 351–5400.

i. FERC Contact: Mark Pawlowski, 202–219–2795, or E-Mail at mark.pawlowski@ferc.fed.us.

j. Deadline Date: See attached paragraph D9.

k. Status of Environmental Analysis: This application has been accepted for filing and is now ready for environmental analysis—see attached paragraph D9.

l. Brief Description of Project: The proposed project consists of: (1) an existing 6-foot-high gravity-earth filled dam; (2) an existing reservoir with a surface area of 25 acres at a maximum pool elevation of 738.5 feet USGS and a storage capacity of 100 acre-feet; (3) a 1,200-foot-long head race canal; (4) a powerhouse containing one generating unit with a rated capacity of 600 Kw; and, (5) appurtenant facilities.

m. This notice also consists of the following standard paragraphs: A4 and D9.

n. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at: 888 First St., N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. A copy of the application is also available at Commonwealth Power Company, Sequoia Trail, Okemos, MI 48864, or by calling (517) 351–5400.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 F.R. 23108 (May 20, 1991)), that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must: (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b).

Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 5K–01, at the above address. Each filing must be accompanied by proof of service on all persons listed in service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5214 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis

February 24, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Minor License.

b. Project No.: 11300–000.

c. Date Filed: June 3, 1992

d. Applicant: Commonwealth Power Company.

e. Name of Project: LaBarge Hydroelectric Project.

f. Location: On the Thornapple River, near Caledonia, Kent County, Michigan.

g. Filed Pursuant to: Federal Power Act, 16 USC 791(a)–825(r).

h. Applicant Contact: Jan Marie Evans, Commonwealth Power Company, 4572 Sequoia Trail, Okemos, MI 48864, (517) 351–5400.

i. FERC Contact: Mark Pawlowski, 202–219–2795, or E-mail at mark.pawlowski@ferc.fed.us.

j. Deadline Date: See attached paragraph D9.

k. Status of Environmental Analysis: This application has been accepted for filing and is now ready for environmental analysis—see attached paragraph D9.

l. Brief Description of Project: The existing operating project consists of an existing dam 30 feet high; an uncontrolled ogee spillway with a crest length of 116 feet; two taintor gates each 20 feet wide by 10 feet high; an existing powerhouse containing two existing turbine-generating units with a total installed capacity of 800 kilowatts; an existing 25-foot, 2,400-kilovolt transmission line; and appurtenant facilities.

m. This notice also consists of the following standard paragraphs: A4 and D9.

n. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at: 888 First St., N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. A copy of the application is also available at Commonwealth Power Company, Sequoia Trail, Okemos, MI 48864, or by calling (517) 351–5400.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting

comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 Fed. Reg. 23108 (May 20, 1991)), that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must: (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). *Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to:* Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 5K–01, at the above address. Each filing must be accompanied by proof of service on all persons listed in service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5215 Filed 2–27–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–140266; FRL–5775–8]

Access to Confidential Business Information by Science Applications International Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Science Applications International Corporation (SAIC), of Dunn Loring, Virginia, access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to confidential data submitted to EPA occurred on January 20, 1998.

FOR FURTHER INFORMATION CONTACT: Susan Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under contract number 68–D4–0098, contractor SAIC, of 2222 Gallows Road, Suite 300, Dunn Loring, VA, will assist Region IX in photocopying various documents provided by industry.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D4–0098, SAIC will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. SAIC personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide SAIC access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Region IX Headquarters.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1998.

SAIC personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Access to confidential business information.

Dated: February 23, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–5259 Filed 2–27–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OW–FRL–5972–7]

Notice of Availability; Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.—Testing Manual

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.—Testing Manual.

SUMMARY: This notice announces the availability of the final testing manual entitled Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.—Testing Manual. This document is commonly referred to as the Inland Testing Manual (ITM). The ITM was prepared by an Environmental Protection Agency (EPA)/Corps of Engineers (CE) workgroup comprised of individuals from headquarters, field offices, and research laboratories of both agencies with scientific and/or programmatic expertise related to dredged material discharge activities.

ADDRESSES: A copy of the ITM can be obtained by contacting: Mr. Thomas Patin, U.S. Army Corps of Engineers, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199. The ITM is also available on the Internet from EPA's web site ''http://www.epa.gov/OST/'', or from the Corps Dredging Operations Technical Support home page at ''http://www.wes.army.mil/el/dots/'.

FOR FURTHER INFORMATION CONTACT: Mike Kravitz, Mail Code 4305, Office of Science and Technology, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 (telephone: 202–260–8085); or Kirk Stark, Regulatory Branch, CECW–OR, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Ave. NW., Washington, DC 20314 (telephone: 202–761–1786).

SUPPLEMENTARY INFORMATION: EPA issued a notice of availability and

request for comment on the draft dredged material testing manual in the July 21, 1994, **Federal Register** [FRL–5017–5]. Copies of the draft Inland Testing Manual (ITM) were sent to federal and state agencies, port authorities, environmental organizations, and other interested parties. Public meetings were also held in 1994 to discuss the document in Boston, MA, Arlington, VA, Atlanta, GA, San Jose, CA, Seattle, WA, Chicago, IL, St. Louis, MO, and Houston, TX. Comments received through the public review process, including those from EPA's Science Advisory Board, were used to shape the final document. Individual comments were grouped into ''general'' and ''specific'' categories, and reviewed by the EPA/CE Workgroup that prepared the draft ITM. A copy of the comments, and EPA's response, is available for review at EPA's Water Docket under docket number w–98–04. Docket materials may be reviewed from 9 to 4 p.m., Monday through Friday, excluding legal holidays. For access to docket materials, please call 202/260–3027 to schedule an appointment.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 98–5318 Filed 2–27–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5972–3]

Underground Injection Control Program; Hazardous Waste Land Disposal Restrictions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to grant a case-by-case extension of land disposal restrictions effective date.

SUMMARY: EPA is proposing to grant the request from DuPont Sabine River Works Facility (DuPont or Facility) for a one year extension of the April 8, 1998, effective date of the RCRA land disposal restrictions (LDR) treatment standards applicable to wastewaters with the hazardous waste code D018 (Benzene). This action responds to a case-by-case extension request submitted by DuPont under 40 CFR 148.4 according to procedures set out in 40 CFR 268.5, which allow an owner or operator of a Class I hazardous waste injection well to request that the Administrator grant, on a case-by-case basis, an extension of the applicable effective date. To be granted such a request, the applicant must demonstrate, among other things, that there is insufficient capacity to manage its waste and that they have entered into a binding contractual commitment to construct or otherwise provide such capacity, but due to circumstances beyond their control, such capacity could not reasonably be made available by the effective date. If this proposed action is finalized, DuPont can continue to inject wastewaters that contain D018 into the Class I hazardous waste injection wells located at the Sabine River Works, Orange, Texas facility until April 8, 1999. If warranted, EPA may grant a renewal of this extension, for up to one additional year, which, if requested and granted, would extend the effective date of the LDR for D018 (Benzene) to April 8, 2000.

DATES: Comments on this notice must be received on or before April 6, 1998.

ADDRESSES: The public must send their comments to Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch, Ground Water/UIC Section (6WQ–SG), 1445 Ross Avenue, Dallas, Texas 75202–2733. The docket for this action is located at EPA Region 6 at the address listed above, which is open during normal business hours, 8:00 a.m. through 4:00 p.m., Monday through Friday. The public can review all docket materials by visiting the EPA Region 6 Office.

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief, Ground Water/UIC Section, Source Water Protection Branch, EPA Region 6, 1445 Ross Avenue, Dallas, Texas, 75202–2733 or telephone (214) 665–7165.

SUPPLEMENTARY INFORMATION:

I. Background

A. Congressional Mandate

Congress enacted the Hazardous and Solid Waste Amendments (HSWA) of 1984 to amend the Resource Conservation and Recovery Act (RCRA), to impose additional responsibilities on persons managing hazardous wastes. Among other things, HSWA required EPA to develop regulations that would impose restrictions on the land disposal of hazardous wastes. In particular, Sections 3004 (d) through (g) prohibit the land disposal of certain hazardous wastes by specified dates in order to protect human health and the environment except that wastes that meet treatment standards established by EPA are not prohibited and may be land disposed. Section 3004(m) requires EPA to set ''levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized.''

In developing such a broad program, Congress recognized that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment, may not be available by the applicable statutory effective dates. Section 3004(h)(2) authorizes EPA to grant a variance (based on the earliest dates that such capacity will be available, but not to exceed two years) from the effective date which would otherwise apply to specific hazardous wastes. In addition, under Section 3004(h)(3), EPA is authorized to grant an additional capacity extension of the applicable deadline on a case-by-case basis for up to one year. Such an extension is renewable once for up to one additional year.

On November 7, 1986, EPA published a final rule (51 FR 40572) establishing the regulatory framework to implement the land disposal restrictions program, including the procedures for submitting case-by-case extension applications.

On April 8, 1996, EPA published a final rule (61 FR 15566), establishing treatment standards under the land disposal restrictions (LDR) program for certain listed hazardous wastes, including D018 (Benzene). Because of a determination that available treatment, recovery, or disposal (TRD) capacity did not exist at that time for D018 wastewaters that are underground injected, EPA granted a two-year national capacity variance for these wastes. The variance will expire April 8, 1998.

EPA has completed the review of DuPont's October 1997 petition reissuance request that would allow the underground injection of the two wastestreams with the hazardous waste code D018 (Benzene). This petition reissuance request has been found to be technically sound. Recently one of the wells at the DuPont facility developed a mechanical integrity problem and is in the process of being repaired. Once the mechanical integrity of this well has been reestablished and EPA has confirmed that the well has mechanical integrity, then EPA can propose approval of DuPont's reissuance request. Unfortunately the time required to do the repair work and to proceed through the administrative process of the reissuance will extend past the land disposal restriction effective date of April 8, 1998.

B. Applicant's Demonstrations Under 40 CFR 268.5 for Case-by-Case Extension

When it became apparent that DuPont's reissuance request could not be processed by the land disposal restriction effective date, they submitted a case-by-case extension request. This request, which was submitted on February 16, 1998, documented their need for the extension and included their justification for a case-by-case extension approval. DuPont's request letter is part of the docket.

Case-by-case extension applications must satisfy the requirements outlined in 40 CFR 268.5. The following is a discussion of each of the seven demonstrations of 40 CFR 268.5(a)(1)–(7) made by DuPont:

Section 268.5(a)(1) requires the applicant to make a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage its waste in accordance with the effective date of the applicable restriction.

DuPont has demonstrated that it has made a good-faith effort to provide protective disposal capacity. EPA approved DuPont's no migration demonstration for injection wells on September 10, 1991. This exemption approval expires on December 31, 2000. In addition, there is limited other capacity to handle the two wastestreams subject to this request. Currently there is not sufficient backup well capacity available to handle the affected wastestreams due to one backup well being shut-in due to loss of mechanical integrity and the other backup well not having sufficient injectivity. In addition the high volume of the affected wastestreams makes trucking the waste off-site logistically problematic.

Section 268.5(a)(2) requires the applicant to enter into a binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity that meets the treatment standards specified in 40 CFR Part 268 subpart D or, where treatment standards have not been specified, such treatment, recovery, or disposal capacity is protective of human health and the environment.

By retaining consultants and experts in geology, engineering, seismicity and other areas to prepare and file its reissuance request, which EPA has found to be technically adequate, EPA believes that DuPont has satisfied the requirement to obtain a binding commitment to provide disposal capacity that is protective of human health and the environment. The injection wells covered by the petition already exist and will be sufficient to manage the full volume of waste if the facility's reissuance request is approved.

Section 268.5(a)(3) requires the applicant to demonstrate that due to circumstances beyond the applicant's control, such alternative capacity cannot reasonably be made available by the applicable effective date. This demonstration may include a showing that the technical and practical difficulties associated with providing the alternative capacity will result in the capacity not being available by the applicable effective date.

The inability to obtain alternative capacity by April 8, 1998, is beyond DuPont's control. Since the time DuPont requested approval of the changes to its petition demonstration in October 1997, DuPont and EPA Region 6 have worked together through technical issues, and DuPont has responded to all of the Agency's comments and requests for additional information or demonstrations. The Agency has completed its review of DuPont's reissuance request and will propose its approval once DuPont has demonstrated to EPA that the well that is shut-in due to mechanical integrity problems has been repaired. Currently the mechanical integrity of the shut-in well is being reestablished. When EPA publishes its notice of intent to approve the reissuance request there will be a 45-day comment period and if there is sufficient public interest a public hearing will be held. After this public participation process is completed, the Agency will evaluate all comments received, prepare a responsiveness summary and determine whether it is appropriate to finalize the approval of the reissuance or if additional information is needed.

Section 268.5(a)(4) requires the applicant to demonstrate that the capacity being constructed or otherwise provided by the applicant will be sufficient to manage the entire quantity of waste that is the subject of the application.

If DuPont's reissuance request is approved, the facility's injection well operations will continue to provide adequate capacity for the entire volume of the Plant's waste.

Section 268.5(a)(5) requires the applicant to provide a detailed schedule for obtaining operating and construction permits or an outline of how and when alternative capacity will be available.

All injection wells at the DuPont facility have approved Class I injection well permits and the wells have been constructed. See the information provided for Section 268.5(a)(3) for the processing schedule of DuPont's no migration petition reissuance request.

Section 268.5(a)(6) requires the applicant to arrange for adequate capacity to manage its waste during an extension, and has documented the location of all sites at which the waste will be managed.

During the proposed one year case-by-case extension period, DuPont will have adequate capacity at the facility to manage the facility's waste.

Section 268.5(a)(7) requires that the applicant demonstrate that any waste managed in a surface impoundment or landfill during the extension period will meet the requirements of 40 CFR 268.5(h)(2).

There are no surface impoundments or landfills managing hazardous waste at the DuPont facility.

II. EPA's Proposed Action

For the reasons discussed above, the Agency believes that DuPont has satisfied all the requirements for a case-by-case extension to the April 8, 1998, effective date of the RCRA land disposal restrictions (LDR) treatment standards applicable to wastewaters with the hazardous waste code D018 (Benzene). Therefore, EPA is proposing to grant DuPont's requested case-by-case extension for a one year period. If during this time frame a final decision on DuPont's petition reissuance request is made, then this case-by-case extension will expire.

Dated: February 23, 1998.

William B. Hathaway,

Director, Water Quality Protection Division (6WQ), EPA Region 6.

[FR Doc. 98–5312 Filed 2–27–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42191C; FRL–5776–4]

Endocrine Disruptors; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA is announcing the eighth meeting the Endocrine Disruptors Screening and Testing Advisory Committee (EDSTAC), a committee established under the provisions of the Federal Advisory Committee Act (FACA) to advise EPA on a strategy for screening chemicals and pesticides for their potential to disrupt endocrine function in humans and wildlife.

DATES: The EDSTAC Plenary meeting will begin on Tuesday, March 17, 1998, at 9 a.m. and end at 4 p.m. The meeting on Wednesday, March 18, 1998, will start at 8:30 a.m. and end at 4 p.m.

ADDRESSES: The meeting will be held at The Sheraton International - BWI (Baltimore Washington International

Airport) located at 7032 Elm Road, Baltimore, Maryland. The telephone number is (410) 859–3300 and the guest fax number is (410) 859–0565.

FOR FURTHER INFORMATION CONTACT: For technical information about the EDSTAC contact Dr. Anthony Maciorowski (telephone: (202) 260–3048; e-mail: maciorowski.tony@epamail.epa.gov) or Mr. Gary Timm (telephone (202) 260–1859; e-mail: timm.gary@epamail.epa.gov) at EPA. To obtain additional information please contact the contractor assisting EPA with meeting facilitation and logistics: Ms. Tutti Otteson, The Keystone Center, P.O. Box 8606, Keystone, CO 80435; telephone: (970) 468–5822; fax (970) 262–0152; e-mail: totteson@keystone.org.

SUPPLEMENTARY INFORMATION: The tentative agenda for the March 17–18, 1998 plenary meeting includes status reports from the Screening and Testing and Priority Setting workgroups. This plenary will not include a public comment session.

List of Subjects

Environmental protection.

Dated: February 24, 1998.

Susan H. Wayland,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 98–5258 Filed 2–27–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5972–4]

Notice of Proposed Revisions to Approved Programs To Administer the National Pollutant Discharge Elimination System Permitting Program in Indiana, Michigan, Ohio and Wisconsin Resulting in Part From Adoption of the Water Quality Guidance for the Great Lakes System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the United States Environmental Protection Agency (EPA) has received for review and approval revisions to the National Pollutant Discharge Elimination System (NPDES) programs in Indiana, Michigan, Wisconsin and Ohio. Most of the proposed revisions were adopted to comply with section 118(c) of the Clean Water Act and 40 CFR 132.4, although in some cases, States have also proposed revisions that are not related to those required by section 118(c) of the CWA and 40 CFR 132.4. EPA invites public comment on whether EPA should approve these revisions pursuant to 40 CFR 123.62 and 132.5.

DATES: Comments on whether EPA should approve the revisions to Indiana's, Michigan's, Ohio's and Wisconsin's NPDES programs must be received in writing by April 1, 1998.

ADDRESSES: Written comments on these documents may be submitted to Jo Lynn Traub, Director, Water Division, Attn: GLI Implementation Procedures, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. In the alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: karnauskas.joan@epamail.epa.gov. Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Central time), April 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mery Jackson-Willis, Standards and Applied Sciences Branch, Water Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or telephone her at (312) 886–3717.

Copies of the rules adopted by the States, and other related materials submitted by the States in support of these revisions, are available for review at: EPA, Region 5, 77 West Jackson Boulevard, 15th Floor, Chicago, Illinois; Indiana Department of Environmental Management, Office of Water Management, Rule Section, 100 North Senate Avenue, Indianapolis, Indiana; Michigan Department of Environmental Quality, Surface Water Quality Division, Knapps Centre, 300 South Washington, Lansing, Michigan; Ohio Environmental Protection Agency, Division of Surface Water, 1800 WaterMark Drive, Columbus, Ohio; and Wisconsin Department of Natural Resources, Bureau of Wastewater Management, GEF II Building, 101 South Webster, Madison, Wisconsin. To access the docket material in Chicago, call (312) 886–3717 between 8 a.m. and 4:30 p.m. (Central time) (Monday–Friday); in Indiana, call (317) 232–8399; in Michigan, call (517) 335–4184; in Ohio, call (614) 644–2154; and in Wisconsin, call (608) 267–7662.

SUPPLEMENTARY INFORMATION: On March 23, 1995, EPA published the Final Water Quality Guidance for the Great Lakes System (Guidance) pursuant to section 118(c)(2) of the Clean Water Act, 33 U.S.C. 1268(c)(2) (March 23, 1995, 60 FR 15366). The Guidance, which was codified at 40 CFR Part 132, requires the Great Lakes States to adopt and submit to EPA for approval water quality criteria, methodologies, policies and procedures that are consistent with the Guidance. 40 CFR 132.4 and 132.5. EPA is required to approve of the State's submission within 90 days or notify the State that EPA has determined that all or part of the submission is inconsistent with the Clean Water Act or the Guidance and identify any necessary changes to obtain EPA approval. If the State fails to make the necessary changes within 90 days, EPA must publish a notice in the **Federal Register** identifying the approved and disapproved elements of the submission and a final rule identifying the provisions of Part 132 that shall apply for discharges within the State.

As of January 31, 1998, EPA Region 5 had received submissions from Indiana, Michigan, Wisconsin and Ohio. The bulk of these submissions consist of new, revised or existing water quality standards which EPA is reviewing for consistency with the Guidance in accordance with 40 CFR 131 and 132.5. EPA is not soliciting comment on those portions of these submissions relating to the water quality criteria and methodologies, use designations or antidegradation. EPA also is not soliciting comment on the Guidance itself.

Instead, EPA is only requesting comment on whether it should approve, pursuant to 40 CFR 123.62, and 132.5(g), those portions of these submissions that revise the States' approved National Pollutant Discharge Elimination System (NPDES) permitting program. In most cases these revisions relate to the following provisions of 40 CFR Part 132, Appendix F: Procedure 3 (''Total Maximum Daily Loads, Wasteload Allocations for Point Sources, Load Allocations for Nonpoint Sources, Wasteload Allocations in the Absence of a TMDL, and Preliminary Wasteload Allocations for Purposes of Determining the Need for Water Quality Based Effluent Limits''); Procedure 4 (''Additivity''); Procedure 5 (''Reasonable Potential''); Procedure 6 (Whole Effluent Toxicity''); Procedure 7 (''Loading Limits''); Procedure 8:

(''Water Quality-based Effluent Limitations Below the Quantification Level); Procedure 9 (''Compliance Schedules''). EPA is not soliciting comment on the States' adoption of requirements pertaining to Implementation Procedures 1 (''Site Specific Modifications'') or 2 (''Variances'') because those requirements constitute parts of the States' water quality standards, not its NPDES program.

Under 40 CFR 123.62(b)(2) and 132.5(e), whenever EPA determines that a proposed revision to a State NPDES program is substantial, EPA must provide notice and allow public comment on the proposed revisions. The extent to which the States have modified their NPDES programs to be consistent with the Guidance varies significantly, depending on the extent to which their existing programs already were ''as protective as'' the implementation procedures in the Guidance. EPA has not conducted a State-by-State review of the submissions to ascertain for each State individually whether their changes constitute substantial program modifications. However, in light of the fact that the States have modified these programs in response to the explicit statutory mandate contained in section 118(c) of the Clean Water Act, EPA believes that it is appropriate to consider the NPDES component of the States' submissions to be substantial program modifications, and therefore has decided to solicit public comment regarding those provisions.

Based on General Counsel Opinion 78–7 (April 18, 1978), EPA has long considered a determination to approve or deny a State NPDES program submission to constitute an adjudication because an ''approval'', within the meaning of the APA, constitutes a ''license'', which, in turn, is the product of an ''adjudication''. For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here. Among these are provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. § 601 *et seq.* Under the RFA, whenever a federal agency proposes or promulgates a rule under section 553 [of the Administrative Procedures Act (APA)], after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency must prepare a regulatory flexibility analysis for the rule, unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the Agency does not certify the rule, the regulatory flexibility analysis must describe and assess the impact of a rule on small entities affected by the rule.

Even if the NPDES program modification were a rule subject to the RFA, the Agency would certify that approval of the State's modified program would not have a significant economic impact on a substantial number of small entities. EPA's action to approve an NPDES program modification merely recognizes revisions to the program which have already been enacted as a matter of State law; it would, therefore, impose no additional obligations upon those subject to the State's program. Accordingly, the Regional Administrator would certify that this program modification, even if a rule, would not have a significant economic impact on a substantial number of small entities.

Michelle D. Jordan,

Acting Regional Administrator.

[FR Doc. 98–5314 Filed 2–27–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CS Docket No. 97–141, FCC 97–423]

Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: Section 628(g) of the Communications Act of 1934, as amended, 47 U.S.C. 548(g), requires the Commission to report annually to Congress on the status of competition in markets for the delivery of video programming. On January 13, 1998, the Commission released its fourth annual report (''*1997 Report*''). The *1997 Report* contains data and information that summarize the status of competition in markets for the delivery of video programming and updates the Commission's prior reports. The *1997 Report* is based on publicly available data, filings in various Commission rulemaking proceedings, and information submitted by commenters in response to a *Notice of Inquiry* in this docket, summarized at 62 FR 38008, July 16, 1997.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman or Mark Menna, Cable Services Bureau (202) 418–7200, TTY (202) 418–7172.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *1997 Report* in CS Docket No. 97–141, FCC 97–423, adopted December 31, 1997, and released January 13, 1998. The complete text of the *1997 Report* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service (''ITS, Inc.''), (202) 857–3800, 1231 20th Street, N.W., Washington, D.C. 20036. In addition, the complete text of the *1997 Report* is available on the Internet at http://www.fcc.gov/Bureaus/Cable/Reports/fcc97423.html.

Synopsis of the 1997 Report

1. The Commission's *1997 Report* to Congress provides information for the cable television industry and other multichannel video programming distributors (''MVPDs''), including direct broadcast satellite (''DBS'') service, home satellite dishes (''HSDs''), multipoint distribution service (''MMDS''), local multipoint distribution service (''LMDS''), satellite master antenna television (''SMATV'') systems, and broadcast television service. The Commission also considers several other existing and potential distributors of and distribution technologies for video programming including, the Internet, home video sales and rentals, interactive video and data services (''IVDS''), local exchange telephone carriers (''LECs''), and electric and gas utilities.

2. The Commission further examines market structure and issues affecting competition, such as horizontal concentration, vertical integration and technical advances. The fourth annual report addresses competitors serving multiple dwelling unit (''MDU'') buildings and evidence of competitive responses by industry players that are beginning to face competition from other MVPDs. The *1997 Report* further discusses issues relating to federal laws and regulations concerning the emergence of a competitive MVPD marketplace. Finally, the Commission reports on video description of video programming.

3. In the *1997 Report*, the Commission concludes that the cable industry continues to occupy the dominant position in the multichannel video marketplace. As of June 1997, cable operators served 87% of households that receive multichannel video programming, down from 89% in September 1996. The Commission finds that there is a growing but still limited number of instances where incumbent cable system operators face competition from MVPDs offering similar services.

For example, while DBS providers have made subscribership gains, MVPDs using other distribution technologies, such as MMDS, have not posted comparable increases in subscribership. However, digital technology, now being tested and implemented, has the potential to improve the competitiveness of these services. Furthermore, implementation of digital television by broadcast television stations, the primary source of programming for most viewers regardless of distribution medium, has the potential to allow broadcasters to become more effective competitors with cable and other MVPDs. In addition, while the Telecommunications Act of 1996 (''1996 Act'') eliminated restrictions on entry by telephone companies into cable, the Commission finds LEC entry into video programming distribution has proceeded sporadically and is highly dependent on the business strategies of the individual companies.

4. *Key Findings:*

• *Industry growth:* A total of 73.6 million households subscribed to multichannel video programming services as of June 1997, up 2.8% over the 71.6 million households subscribing as of September 1996. The cable television industry has continued to grow in terms of subscribership (up to 64.2 million subscribers as of June 1997, a 1% increase from September 1996), revenues (a 12.2% increase between September 1996 and June 1997), and audience ratings (an 8.6% increase between September 1996 and June 1997, to an average 38 share for cable programming services). A Commission survey of cable industry prices indicates that the average monthly rate for a package consisting of the programming services offered on the basic and most popular cable programming service (''CPS'') tiers and a converter and a remote increased from $26.57 on July 1, 1996 to $28.83 on July 1, 1997, an increase of 8.5%. In addition, DBS subscribership increased from 3.5 million at the end of September 1996 to 5.1 million homes at the end of June 1997 and SMATV subscribership increased from 1.1 million homes at the end of September 1996 to 1.2 million at the end of June 1997. However, HSD subscribership decreased from 2.3 million homes at the end of September 1996 to 2.2 million homes at the end of June 1997 and MMDS subscribership decreased from 1.2 millions to 1.1 million homes between September 1996 and June 1997. Moreover, two of the seven open video systems (''OVS'') certified by the Commission have begun operation and, as of June 1997, served 3,000 subscribers.

• *Horizontal concentration:* Local markets for the delivery of video programming generally remain highly concentrated and characterized by barriers to both entry and expansion by competing distributors. DBS service, available in almost all areas, constitutes the most significant alternative to cable television. Competitive overbuilding by franchised cable operators remains minimal but is increasing, particularly by LECs and appears, to varying degrees, to improve service and/or pricing where it exists. Video distribution competition within and for MDU buildings appears to be developing as a distinct market separate from neighboring areas.

• *Vertical integration:* The proportion of national programming services that are vertically integrated with cable operators declined slightly from last year's total of 46% to 40% this year. Eight of the 16 national programming services launched since the 1996 Report have been vertically integrated with a cable multiple system operator.

• *Promotion of entry and competition:* The Commission has continued to take steps to eliminate obstacles to competition, including the adoption and enforcement of rules: prohibiting governmental and private restrictions that unreasonably interfere with a consumer's right to install the dishes and other antennas to receive programming services from DBS, wireless cable, and television broadcast; establishing procedures to use internal wiring installed in an MDU building by the incumbent provider, facilitating owners' and residents' choice among providers; and increasing the amount of spectrum available for wireless uses and eliminating restrictions on use, for the benefit of wireless providers. The Commission also has initiated proceedings intended to foster competition, including proposals to improve the efficiency of the rules requiring access to cable programming attributable to programmers that are vertically integrated with cable operators and a rulemaking, adopted pursuant to section 304 of the 1996 Act, seeking comment on rules to assure the commercial availability of navigation devices from manufacturers, retailers and other vendors not affiliated with any MVPDs.

• *Technological advances:* Advances in and development of digital technology will permit all distributors of video programming to increase the delivered quantity of service. Digital technology increases the number of programming channels that may be communicated over a given amount of bandwidth or spectrum space. MVPDs and broadcasters continue to pursue improved digital compression ratios and deployment of digital technology. In addition CableLabs recently announced its ''open standards'' initiative supporting development of advanced set-top boxes. The industry shift from proprietary technology to an open standard may lead to more manufacturers of the boxes, may spur a retail distribution market, and may prompt new high speed data and internet service providers.

• *Convergence of cable and telephone service:* At the time of the 1996 Act's passage, members of the local telephone industry indicated that they would begin to compete in video delivery markets, and cable television operators indicated that they would begin providing local telephone exchange service. The expectation was that there would be a technological convergence that would permit use of the same facilities for provision of the two types of service. This technological convergence has yet to take place. Almost all of the video service provided by LECs uses conventional cable television technology or wireless cable operations that stand alone from the provider's telephone facilities. The provision of telephone service by cable firms over integrated facilities remains primarily at an experimental stage. The one area in which many cable operators appear poised to compete head-to-head with local telephone companies is the provision of Internet access. Technology in this area appears to be rapidly advancing and service is being deployed on a commercial basis in a large number of cable systems.

5. Finally, in the *1997 Report,* the Commission provides Congress with additional information regarding video description, which is an aural description of a program's key visual elements intended to benefit viewers with visual disabilities. The 1996 Act required the Commission to report to Congress on appropriate methods and schedules for phasing video description into the marketplace and other technical and legal issues related to the widespread deployment of video description. On July 29, 1996, the Commission submitted its first report to Congress, 61 FR 19214, August 14, 1996, and indicated that it would report further on this issue in its *1997 Report.* The Commission now finds that economic barriers, technical limitations, and unresolved legal issues continue to limit the availability of video description. We conclude that continued public funding for video description could further its development such that widespread

implementation could become feasible and create a commercial market for video description. In addition, advances in digital technology may allow the development and expansion of video description.

Ordering Clauses

6. This *1997 Report* is issued pursuant to authority contained in sections 4(i), 4(j), 403 and 628(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 403 and 548(g).

7. It is *Ordered* that the Office of Legislative and Intergovernmental Affairs shall send copies of this *1997 Report* to the appropriate committees and subcommittees of the United States House of Representatives and the United States Senate.

8. It is *Further ordered* that the proceeding in CS Docket No. 97–141 *is terminated.*

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–5236 Filed 2–27–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1204–DR]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–1204–DR), dated February 12, 1998, and related determinations.

EFFECTIVE DATE: February 12, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 12, 1998, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Florida, resulting from severe storms, high winds, tornadoes, and flooding on February 2–4, 1998, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288 as amended, (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Paul Fay of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster:

Broward, Dade, and Monroe Counties for Individual Assistance.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 98–5266 Filed 2–27–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1197–DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA–1197–DR), dated January 13, 1998, and related determinations.

EFFECTIVE DATE: February 17, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Tennessee, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 13, 1998:

Bledsoe, Bradley, Grundy, Meigs, Polk, Rhea, Roane, and Sequatchie Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5267 Filed 2–27–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Notice

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork

Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number. Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the OMB 83-I and supporting statement and the approved collection of information instruments will be placed into OMB's public docket files. The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and d. ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before May 1, 1998.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. McLaughlin, Chief, Financial Reports Section (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

1. Report title: Annual Report of Bank Holding Companies
Agency form number: FR Y-6
OMB control number: 7100-0124
Frequency: annual
Reporters: bank holding companies
Annual reporting hours: 22,552
Estimated average hours per response: 4.0
Number of respondents: 5,638
Small businesses are affected.

General description of report: This information collection is mandatory (12 U.S.C. 1844(b) and (c)). Confidential treatment is not routinely given to the information in this report. However, confidential treatment for the report information can be requested, in whole or part, in accordance with the instructions to the form.

Abstract: The annual FR Y-6 report provides structure information that includes an organizational chart and information about shareholders that meet certain criteria as well as information on the identity, percentage ownership, and business interests of principal shareholders, directors, and executive officers. The report enables the Federal Reserve to monitor bank holding company operations and to ensure that the operations are conducted in a safe and sound manner and are in compliance with the provisions of the Bank Holding Company Act and Regulation Y (12 C.F.R. 225).

The Federal Reserve proposes to:

(1) Add lines to the report cover page and the supplemental cover page to disclose physical locations;

(2) Revise the item providing information on directors and officers to eliminate the reporting of the number of voting securities owned, controlled or held with the power to vote by principal shareholders, officers, directors or other individuals in the bank holding company exercising similar functions; and

(3) Create a separate appendix that would present an example of an accurately completed FR Y-6 report for the purpose of assisting respondents with this free-form report.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following reports:

1. Report title: Notice of Proposed Stock Redemption
Agency form number: FR 4008
OMB control number: 7100-0131
Frequency: on occasion
Reporters: bank holding companies
Annual reporting hours: 822
Estimated average hours per response: 15.5
Number of respondents: 53
Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c)) and is not given confidential treatment.

Abstract: The Federal Reserve System requires a bank holding company (BHC), other than a well-run company, to give written notice to its District Federal Reserve Bank before purchasing or redeeming its equity securities (collectively, redeeming or redemption) if the consideration paid for the proposed redemption and other redemptions over the preceding twelve months is 10 percent or more of the company's consolidated net worth. There is no formal reporting form; the BHC notifies the Federal Reserve by letter prior to making the proposed redemption. The Federal Reserve uses the information to fulfill its statutory obligation to supervise bank holding companies.

2. Report title: Notice Claiming Status as an Exempt Transfer Agent
Agency form number: FR 4013
OMB control number: 7100-0137
Frequency: on occasion
Reporters: banks, bank holding companies, and trust companies
Annual reporting hours: 16
Estimated average hours per response: 2
Number of respondents: 8
Small businesses are affected.

General description of report: This information collection is voluntary (15 U.S.C. 78q-l(c)(1)) and is not given confidential treatment.

Abstract: Banks, bank holding companies, and trust companies subject to the Federal Reserve's supervision that are low-volume transfer agents voluntarily file the FR 4013 notice on occasion with the Federal Reserve Board. Transfer agents are institutions that provide securities transfer, registration, monitoring, and other specified services on behalf of securities issuers. The purpose of the notice, which is effective until the agent withdraws it, is to claim exemption from certain rules and regulations of the Securities and Exchange Commission (SEC). The Federal Reserve uses the notices for supervisory purposes because the SEC has assigned to the Federal Reserve responsibility for collecting the notices and verifying their accuracy through examinations of the respondents. The notice is made by letter; there is no reporting form.

3. Report title: Annual Survey of Eligible Bankers Acceptances
Agency form number: FR 2006
OMB control number: 7100-0055
Frequency: annual
Reporters: U.S. commercial banks, U.S. branches and agencies of foreign banks, Edge and agreement corporations
Annual reporting hours: 46
Estimated average hours per response: 0.65
Number of respondents: 70
Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a), 625, and 3105(b)) and is given confidential treatment (5 U.S.C. 522(b)(4)).

Abstract: The FR 2006 report provides information on eligible U.S. dollar acceptances that are payable in the United States. The data are used for constructing the monetary aggregates, a nonfinancial debt aggregate, and a measure of short-and intermediate -term business credit.

Board of Governors of the Federal Reserve System, February 25, 1998.

William W. Wiles,

Secretary of the Board.

[FR Doc. 98–5268 Filed 2–27–98; 8:45AM]

Billing Code 6210–01–F

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 17, 1998

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Gregory D. Shields, Rowley, Iowa; to acquire additional voting shares of Shields Agency, Inc., Rowley, Iowa, and thereby indirectly acquire Rowley Savings Bank, Rowley, Iowa.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. The Pieper Family Limited Partnershp, LLLP, Calhan, Colorado; to acquire voting shares of Pieper Bancorp, Inc., Calhan, Colorado, and thereby indirectly acquire Farmers State Bank of Calhan, Calhan, Colorado.

Board of Governors of the Federal Reserve System, February 25, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–5269 Filed 2–27–98; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Minority Health; Availability of Funds for Grants for the Bilingual/ Bicultural Service Demonstration Grant Program

AGENCY: Office of the Secretary, Office of Minority Health.

ACTION: Notice of availability of funds and request for Applications for the Bilingual/Bicultural Service Demonstration Program.

AUTHORITY: This program is authorized under section 1707(d)(1) of the Public Health Service Act, as amended by Public Law 101–527, the Disadvantaged Minority Health Improvement Act of 1990.

PURPOSE: The purpose of this Fiscal Year 1998 Bilingual/Bicultural Service Demonstration Grant Program is to:

(1) Improve and expand the capacity for linguistic and cultural competence of health care professionals and paraprofessionals working with limited-English-proficient (LEP) minority communities and

(2) Improve the accessibility and utilization of health care services among the LEP minority populations.

These grants are intended to demonstrate the merit of programs that involve partnerships between minority community-based organizations and health care facilities in a collaborative effort to address cultural and linguistic barriers to effective health care service delivery and to increase access to effective health care for the LEP minority populations living in the United States.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and to improve the quality of life. Potential applicants may obtain a copy of Healthy People 2000 which is available through the Government Printing Office, Washington, DC 20402–9325 or telephone (202) 783–8238 (Full Report: Stock No. 017–001–00474–0). Another reference is the Healthy People 2000 Review—1997. One free copy may be obtained from the National Center for Health Statistics, 6525 Belcrest Road, Room 1064, Hyattsville, MD 20782 or telephone (301) 436–8500. (DHHS Publication No. (PHS) 98–1256)

Background

Large numbers of minorities in the United States are linguistically isolated. According to the 1990 U.S. Census, 31.8 million persons or 13 percent of the total U.S. population (ages 5 and above) speak a language other than English at home. Almost 2 million people do not speak English at all and 4.8 million people do not speak English well. The 1990 U.S. Census also found that various minority populations and subgroups are linguistically isolated: Approximately 4 million Hispanics; approximately 1.6 million Asians and Pacific Islanders; approximately 282,000 Blacks; and approximately 77,000 Native Americans and Alaska Natives.

Besides the social, cultural and linguistic barriers, which affect the delivery of adequate health care, there are other factors that contribute to the poor health status of LEP minority people. These factors include:

- Inadequate number of health care providers and other health care professionals skilled in culturally competent and linguistically appropriate delivery of services;
- Scarcity of trained interpreters at the community level;
- Deficiency of knowledge about appropriate mechanisms to address language barriers in health care settings;
- Absence of effective partnerships between major mainstream provider organizations and LEP minority communities;
- Low economic status;
- Lack of health insurance; and
- Organizational barriers.

Research has suggested that culture provides a unique concept of disease, risk factors, and preventive actions.[1] It also has been indicated that definitions of health and illness are often culturally determined and therefore, the study of culture and tradition is a valuable tool in understanding the underlying motives for health behavior.[2] The clients' understanding of the Western health care model, and the cultural ability to accept health education, influences their access to health care services and their compliance with health care advice.

It is essential that health care providers, health care professionals and other staff become informed about their diverse clientele from a linguistic, cultural and medical perspective. These individuals should become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate health care with more knowledge and confidence.

In FY 1993, the Office of Minority Health (OMH) launched the Bilingual/Bicultural Service Demonstration Grant Program to specifically address the barriers that LEP minority populations encounter when accessing health services.

In FY 1998, the OMH continues to focus on health problem areas identified in the 1997 OMH Report to Congress. These health areas are: (1) Heart disease and stroke; (2) cancer; (3) chemical dependency; (4) diabetes; (5) homicide, suicide, and unintentional injuries; (6) infant mortality; and (7) HIV/AIDS. Flexibility for communities to define their own health problem priorities (*e.g.*, asthma, sexually transmitted diseases (STDs), tuberculosis, female genital mutilation, immunization and tobacco use) is also encouraged.

[1] Evans, P.E. (1988) Minorities and AIDS. Health Education Research, Vol. 3, No. 1, pp 113–115.

[2] Toumishey, H. (1993), Multicultural Health Care: An Introductory Course. In R. Masi, L. Mensah, & K. McLeod (eds.), Health and Cultures: Exploring the Relationships, pp 113–138. Mosaic Press, Ontario, Canada.

Eligible Applicants

Public and private, nonprofit minority community-based organizations or health care facilities which serve a targeted LEP minority community. (See Definitions of Minority Community-Based Organizations and Health Care Facilities found in this announcement.) Eligibility is limited to: (1) Previously funded Bilingual/Bicultural Service Demonstration Program grant recipients; and (2) organizations which previously applied to the Bilingual/Bicultural Service Demonstration Program and were recommended for approval, but were not funded due to OMH budget limitations. This will allow previously funded grantees to build on efforts already initiated under this demonstration program. It also allows those organizations which designed projects judged to have merit in a previous objective review process, an opportunity to submit proposals which meet the requirements set forth in this announcement.

A linkage must be in place between a minority community-based organization and a health care facility, one of which is the applicant organization, and documented in writing as specified under the project requirements described in this announcement.

Currently funded OMH Bilingual/Bicultural Service Demonstration Program grantees (Managed Care) are not eligible to apply. National organizations, for-profit hospitals, universities and schools of higher learning are not eligible to apply. Applicants may apply to more than one OMH FY 98 grant program announcement; however, organizations will not receive funding for more than one OMH grant program concurrently.

Deadline

To receive consideration, grant applications must be received by the OMH Grants Management Office 60 days after date of publication or by April 13, 1998. Applications will be considered as meeting the deadline if they are: (1) Received on or before the deadline date, or (2) postmarked on or before the deadline date and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Applications submitted by facsimile transmission (FAX) or any other electronic format will not be accepted. Applications which do not meet the deadline will be considered late and will be returned to the applicant unread.

Addresses/Contacts

Applications must be prepared using Form PHS 5161–1 (Revised July 1992 and approved by OMB under control Number 0937–0189). Application kits and technical assistance on budget and business aspects of the application may be obtained from Ms. Carolyn A. Williams, Grants Management Officer, Division of Management Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, Maryland 20852, telephone (301) 594–0758. Completed applications are to be submitted to the same address.

Questions regarding programmatic information and/or requests for technical assistance in the preparation of grant applications should be directed to Ms. Cynthia H. Amis, Director, Division of Program Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, Maryland 20852, telephone number (301) 594–0769.

Technical assistance is also available through the OMH Regional Minority Health Consultants (RMHCs). A listing of the RMHCs and how they may be contacted will be provided in the grant application kit. Additionally, applicants can contact the OMH Resource Center (OMHRC) at 1–800–444–6472 for health information.

Availability of Funds

Approximately $1.2 million is available for award in FY 1998. It is projected that awards of up to $100,000 total costs (direct and indirect) for a 12-month period will be made to approximately 10 to 12 competing applicants. Of the total amount obligated, at least $460,000 will be awarded to projects that include HIV/AIDS as one of the targeted health problem areas to be addressed.

Period of Support

The start date for the Bilingual/Bicultural Service Demonstration Program grants is September 30, 1998. Support may be requested for a total project period not to exceed 3 years. Noncompeting continuation awards of up to $100,000 will be made subject to satisfactory performance and availability of funds.

Definitions

For purposes of this grant announcement, the following definitions apply:

Cultural Competency—A set of interpersonal skills that allow

individuals to increase their understanding and appreciation of cultural differences and similarities within, among and between groups. This requires a willingness and ability to draw on community-based values, traditions and customs, and to work with knowledgeable persons of and from the community in developing focused interventions, communications and other supports. (Orlandi, Mario A., 1992.)

Health Care Facility—A public nonprofit facility that has an established record for providing comprehensive health care services to a targeted, LEP racial/ethnic minority community. Facilities providing only screening and referral activities are not included in this definition. A health care facility may be a hospital, outpatient medical facility, community health center, migrant health center, or a mental health center.

Limited-English-Proficient Populations (LEP)—Individuals (as defined in Minority Populations below) with a primary language other than English who must communicate in that language if the individual is to have an equal opportunity to participate effectively in and benefit from any aid, service or benefit provided by the health provider.

Minority Community-Based Organization—A public or private nonprofit community-based minority organization or a local affiliate of a national minority organization that has: A governing board composed of 51 percent or more racial/ethnic minority members, a significant number of minorities in key program positions, and an established record of service to a racial/ethnic minority community.

Minority Populations—American Indian or Alaska Native, Asian, Black or African-American, Hispanic or Latino, and Native Hawaiian or other Pacific Islander. (Revision to the Standards for the Classification of Federal Data on Race and Ethnicity, **Federal Register**, Vol. 62, No. 210, pg. 58782, October 30, 1997.)

Project Requirements

Each project funded under this demonstration grant is to:

1. Address at least one, but no more than three, problem health areas identified in the Background section.

2. Carry out activities to improve and expand the capacity of health care providers and other health care professionals to deliver linguistically and culturally competent health care services to the target population. Potential activities may include: Language and cultural competency training and curricula development, bilingual health access or health promotion information in the native language or on-site interpretation services. Traditional or innovative training models may include portable training products such as CD–ROMs, video tapes, or on-line distance based learning formats for continuing education.

3. Carry out activities to improve access to health care for the LEP population. Potential activities may include those that will educate the target population on the importance of health promotion and disease prevention; enhance the ability of the target population to communicate their health care concerns to health care providers; and increase their understanding of health education information and improve compliance with health care treatments. The applicant may utilize culturally and/or linguistically appropriate informational or communication technologies, such as printed materials which may have pictorial messages, mass media, public service announcements and neighborhood outreach and electronic systems including kiosks as an educational tool; or forums, seminars or workshops to promote information exchange among the targeted LEP population and the health care professionals.

4. Have an established, formal linkage between a minority community-based organization and a health care facility, one of which is the applicant, prior to submission of an application. The linkage must be confirmed by a signed agreement between the applicant and linkage organizations which specifies in detail the roles and resources that each entity will bring to the project, and states the duration and terms of the linkage. The document must be signed by individuals with the authority to represent the organizations (e.g., president, chief executive officer, executive director).

Use of Grant Funds

Budgets of up to $100,000 total cost (direct and indirect) per year may be requested to cover costs of: Personnel, consultants, supplies (including screening and outreach supplies), equipment, and grant-related travel. Funds may not be used for medical treatment, construction, building alterations, or renovations. All budget requests must be fully justified in terms of the proposed goals and objectives and include a computational explanation of how costs were determined.

Criteria for Evaluating Applications

Review of Applications: Applications will be screened upon receipt. Those that are judged to be incomplete, nonresponsive to the announcement or nonconforming will be returned without comment. Each organization may submit no more than one proposal under this announcement. If an organization submits more than one proposal, all will be deemed ineligible and returned without comment. Accepted applications will be reviewed for technical merit in accordance with PHS policies. Applications will be evaluated by an Objective Review Panel chosen for their expertise in minority health and their understanding of the unique health problems and related issues confronted by the racial/ethnic minority populations in the United States.

Applicants are advised to pay close attention to the specific program guidelines and general and supplemental instructions provided in the application kit.

Application Review Criteria: The technical review of applications will consider the following generic factors:

Factor 1: Background (15%)

Adequacy of: Demonstrated knowledge of the problem at the local level; demonstrated need within the proposed community and target population; demonstrated support and established linkage(s) in order to conduct the proposed model; and extent and documented outcome of past efforts and activities with the target population.

Factor 2: Goals and Objectives (15%)

Merit of the objectives, their relevance to the program purpose and stated problem, and their attainability in the stated time frames.

Factor 3: Methodology (35%)

Appropriateness of proposed approach and specific activities for each objective. Logic and sequencing of the planned approaches in relation to the objectives and program evaluation. Soundness of the established linkages.

Factor 4: Evaluation (20%)

Thoroughness, feasibility and appropriateness of the evaluation design, and data collection and analysis procedures. Potential for replication of the project for similar target populations and communities.

Factor 5: Management Plan (15%)

Applicant organization's capability to manage and evaluate the project as determined by: The qualification of

proposed staff or requirements for ''to be hired'' staff; proposed staff level of effort; management experience of the lead agency; and experience of each member of the linkage as it relates to its defined roles and the project.

Award Criteria

Funding decisions will be determined by the Deputy Assistant Secretary of Minority Health, Office of Minority Health, and will take under consideration: The recommendations and ratings of the review panel, geographic and racial/ethnic distribution, and health problem areas having the greatest impact on minority health. Consistent with the Congressional intent of Public Law 101–527, section 1707(c)(3), consideration will be given to projects targeting Asian, American Samoan, and other Pacific Islander populations. Consideration will also be given to projects proposed to be implemented in Empowerment Zones and Enterprise Communities.

Reporting and Other Requirements

General Reporting Requirements

A successful applicant under this notice will submit: (1) Annual progress report; (2) an annual Financial Status Report, and (3) a final progress report and Financial Status Report in the format established by the Office of Minority Health, in accordance with provisions of the general regulations which apply under ''Monitoring and Reporting Program Performance,'' 45 CFR part 74, subpart J, with the exception of State and local governments to which 45 CFR part 92, subpart C reporting requirements apply.

Provision of Smoke-Free Workplace and Nonuse of Tobacco Products by Recipients of PHS Grants

Ths Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Public Health System Reporting Requirements

This program is subject to Public Health Systems Reporting Requirements. Under these requirements, a community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based, nongovernmental applicants are required to submit, no later than the Federal due date for receipt of the application, the following information to the head of the appropriate state and local health agencies in the area(s) to be impacted: (a) A copy of the face page of the applications (SF 424), (b) a summary of the project (PHSIS), not to exceed one page, which provides: (1) A description of the population to be served, (2) a summary of the services to be provided, (3) a description of the coordination planned with the appropriate State or local health agencies. Copies of the letters forwarding the PHSIS to these authorities must be contained in the application materials submitted to the Office of Minority Health.

State Reviews

This program is subject to the requirements of Executive Order 12372 which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kit to be made available under this notice will contain a listing of States which have chosen to set up a review system and will include a State Single Point of Contact (SPOC) in the State for review. Applicants (other than federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline by the Office of Minority Health's Grants Management Officer. The Office of Minority Health does not guarantee that it will accommodate or explain its responses to State process recommendations received after that date. (See ''Intergovernmental Review of Federal Programs,'' Executive Order 12372, and 45 CFR part 100 for a description of the review process and requirements.)

OMB Catalog of Federal Domestic Assistance

The OMB Catalog of Federal Domestic Assistance Number for the Bilingual and Bicultural Service Demonstration Program is 93.105.

Clay E. Simpson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 98–5233 Filed 2–27–98; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of a Cooperative Agreement With the Minority Faculty Development Program and Harvard Medical School

The Office of Minority Health (OMH), Office of Public Health and Science, announces that it will enter into an umbrella cooperative agreement with the Minority Faculty Development Program (MFDP)/Harvard Medical School. This cooperative agreement is an umbrella cooperative agreement and will establish the broad programmatic framework in which specific projects can be supported by various agencies during the project period.

The purpose of this cooperative agreement is to assist MFDP in expanding and enhancing its activities relevant to health issues affecting the minority communities by supporting the training experience of minority physicians in its Fellowship in Minority Health Policy program. MFDP will provide leadership skills training in health policy, financial and organizational management, politics, economics and ethics.

It is anticipated that this training experience will enable minority physicians to assume leadership roles in programs and policy making entities aimed at improving or eliminating health disparities that affect minority communities. OMH will provide consultation, including administrative and technical assistance as needed, for the execution and evaluation of all aspects of this cooperative agreement. OMH will also participate and/or collaborate with the awardee in any workshops or training sessions to exchange current information, opinions, and research findings during this agreement.

Authorizing Legislation

This cooperative agreement is authorized under, Section 1707(d)(1) of the Public Health Service Act.

Background

Assistance will be provided only to the Minority Faculty Development Program/Harvard Medical School. No order applications are solicited. MFDP

is the only organization uniquely qualified to administer this cooperative agreement because it has:

- developed an umbrella organization for minority recruitment, development and retention initiatives undertaken by Harvard Medical School and affiliated hospitals; operated a one-year Fellowship on Minority Health Policy program for minority physicians, through the support of The Commonwealth Fund, designed to create minority physician leaders who pursue careers in health policy, public health practice and academia;
- developed a comprehensive leadership program for minority physicians;
- successfully developed and operated minority career/training projects for minority students such as: Project Success: Opening The Door To Biomedical Careers, Visiting Clerkship Program, and the Biomedical Science Careers Project;
- developed partnerships with surrounding high schools and middle schools to increase awareness and encourage minority students to pursue science careers.

This cooperative agreement will be awarded in FY 1998 for a 12-month budget period within a project period of 5 years. Depending upon the types of projects and availability of funds, it is anticipated that this cooperative agreement will receive approximately $50,000 to $100,000. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, contact Mr. Guadalupe Pacheco, Office of Minority Health, 5515 Security Lane, Suite 1000, Rockville, Maryland 20852 or telephone (301) 443–5084.

(The Catalogue of Federal Domestic Assistance number is 93.004.)

Dated: February 10, 1998.

Clay E. Simpson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 98–5180 Filed 2–27–98; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of a Cooperative Agreement With the National Asian Pacific American Families Against Substance Abuse, Inc.

The Office of Minority Health (OMH), Office of Public Health and Science, announces that it will enter into an umbrella cooperative agreement with the National Asian Pacific American Families Against Substance Abuse, Inc. (NAPAFASA). This cooperative agreement is an umbrella cooperative agreement and will establish the broad framework in which specific projects can be supported by various agencies during the project period.

The purpose of this cooperative agreement is to assist NAPAFASA to expand and enhance its activities in the prevention and treatment of substance abuse and its related harmful effects among Asian American and Pacific Islander populations. Through its advocacy, educational and technical assistance programs, NAPAFASA addresses such issues as access to health care, cultural competency, youth health issues, service delivery, mental health, and disease prevention and health promotion. It is anticipated that future activities will focus on programs and policies aimed at improving the overall health status of Asian Americans and Pacific Islanders in order to eliminate the health gaps which exist between Asian Americans and Pacific Islanders and others. OMH will provide consultation, including administrative and technical assistance as needed, for the execution and evaluation of all aspects of this cooperative agreement. OMH will also participate and/or collaborate with the awardee in any workshops or symposia to exchange current information, opinions, and research findings during this agreement.

Authorizing Legislation

This cooperative agreement is authorized under Section 1707(d)(1) of the Public Health Service Act.

Background

Assistance will be provided only to the NAPAFASA. No other applications are solicited. NAPAFASA is the only organization capable of administering this cooperative agreement because it:

1. Established an infrastructure to coordinate and implement various health promotion and disease prevention programs within local communities and service delivery organizations that deal extensively with Asian American and Pacific Islander substance abuse and mental health issues. The NAPAFASA network, which is compose of about 500 individual and organizational members, extends across the continental United States, Hawaii, Alaska and the six island jurisdictions in the Pacific (i.e., American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Republic of the Marshal Islands, and the Republic of Palau).
2. Established itself as an organization with Asian American and Pacific Islander professionals who serve as leaders and experts in the advocacy, research, development and promotion of policies, health education programs, and data collection and dissemination efforts which are aimed at reducing excessive mortality and adverse health behaviors among Asian American and Pacific Islander populations.
3. Maintains information sharing capacity among Asian American and Pacific Islander service organizations to develop and implement comprehensive national strategies that address substance abuse and related health problems of Asian Americans and Pacific Islanders. NAPAFASA provides a computerized electronic mail LISTServ which offers subscribers regularly updated substance abuse and mental health information related to Asian American and Pacific Islander populations.
4. Provides technical assistance, capacity building and other support to member organizations in applying for federal and other funds, improving local programs, and sharing the experiences of successful programs within Asian American and Pacific Islander communities.
5. Sponsors national and regional workshops, seminars and conferences to promote improved understanding among professionals, service providers and community representatives of Asian American and Pacific Islander cultures and their relationship to a wide range of health concerns, including alcohol, tobacco and other drug use.
6. Provides specialized research and consultations to State and Federal government agencies, and public and private organizations on the incidence and prevalence of substance abuse among Asian Americans and Pacific Islanders, and planning, assessment and evaluation of substance abuse prevention and treatment services for this population.
7. Collaborates and forms partnerships with national and regional substance abuse prevention organizations in order to address the growing substance abuse problems in

this country, related consequences such as gang and domestic violence, mental health, HIV/AIDS, and crime, and impact on minority communities.

8. Participates on advisory committees and boards of the following coalitions: National Drug Prevention League, American Foundation for Drug Prevention, Recovery Network, Asian Pacific Partnership for Empowerment and Leadership, National Parents Initiative Collaborative, and the National Council of Asian Pacific Americans.

9. Developed a base of critical knowledge, skills, and abilities related to serving Asian American and Pacific Islander clients with a range of health and social problems. Through the collective efforts of its members, its affiliated community-based organizations, sponsored research, and sponsored health education and prevention programs, NAPAFASA has demonstrated (1) the ability to work with academic institutions and official health agencies on mutual education, service, and research endeavors relating to the goals of disease prevention and health promotion of minorities and disadvantaged peoples, and (2) the leadership needed to assist health care professionals to work more effectively with Asian American and Pacific Islander clients and communities.

This cooperative agreement will be awarded in FY 1998 for a 12-month budget period within a project period of 5 years. Depending upon the types of projects and the availability of funds, it is anticipated that this cooperative agreement will receive approximately $50,000 to $100,000. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, contact Regina Lee, Office of Minority Health, 5515 Security Lane, Suite 1000, Rockville, Maryland 20852 or telephone (301) 443–9924.

The Catalogue of Federal Domestic Assistance number is 93.004.

Dated: January 28, 1998.

Clay E. Simpson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 98–5232 Filed 2–27–98; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services (HHS); Agency for Health Care Policy and Research.

ACTION: Annual Publication of Revisions to HHS Privacy Act System Notices.

SUMMARY: The Agency for Health Care Policy and Research (AHCPR) is publishing this notice in accordance with the Office of Management and Budget Circular No. A–130, Appendix I, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' which requires that agencies review each system of records annually and publish any minor changes in the **Federal Register**.

The AHCPR has completed the annual review of its systems of records and is publishing below (1) the table of contents which lists all active systems of records in AHCPR, and (2) those minor changes which an individual needs to know to obtain his or her records, such as changes in the system location of records or the address of system managers.

Dated: February 19, 1998.

John M. Eisenberg,

Administrator.

Table of Contents

09–35–0002

SYSTEM NAME:

National Medical Expenditure Survey, HHS/AHCPR/CGHSIR.

Minor changes have been made to this system notice. The following categories are hereby revised:

SYSTEM NAME:

Agency for Health Care Policy and Research, Medical Expenditure Panel Survey (MEPS) and National Medical Expenditure Survey 2 (NMES 2), HHS/AHCPR/CCFS

SYSTEM LOCATION:

Agency for Health Care Policy and Research Center for Cost and Financing Studies, Executive Office Center, Suite 500, 2101 East Jefferson Street, Rockville, Maryland 20852. (MEPS and NMES 2 records are located here.)

Social and Scientific Systems, 7101 Wisconsin Avenue, Suite 1300, Bethesda, Maryland 20814. (MEPS and NMES 2 records are located here.)

Westat, Inc., 1650 Research Boulevard, Rockville, Maryland 20857. (MEPS records only are located here.)

NORC, 1155 East 60th Street, Chicago, Illinois 60637. (MEPS records only are located here.)

Bureau of the Census, FOB–3, 3442/3, Washington, DC 20232. (MEPS records only are located here.)

STORAGE:

File folders, magnetic tapes and CD–ROM.

SYSTEM MANAGER(S) AND ADDRESS:

Team Leader, Data Collection, CCFS/AHCPR, Executive Office Center, Suite 501, 2101 East Jefferson Street, Rockville, Maryland 20852.

09–35–0004

SYSTEM NAME:

Medical Treatment Effectiveness Program (MEDTEP), HHS/AHCPR/OFQEHC and CMER.

Minor changes have been made to this system notice. The following categories are hereby revised:

SYSTEM NAME:

Agency for Health Care Policy and Research, Medical Treatment Effectiveness Program (MEDTEP), HHS/AHCPR/CCFS and COER.

SYSTEM LOCATION:

Copies of the medical records on paper are located at: Agency for Health Care Policy and Research Center for Cost and Financing Studies, Cost Effectiveness Analysis Research Team, Executive Officer Center, Suite 500, 2101 East Jefferson Street, Rockville, Maryland 20852.

Abstracted computerized records that contain the diagnosis and procedures are located at the following:

Health Care Financing Administration, Bureau of Data Management and Strategy, Office of Computer Operations, 7500 Security Boulevard, Baltimore, Maryland 21244–1850

National Institutes of Health, Division of Computer Research and Technology, Building 12A, Room 4037, 9000 Rockville Pike, Bethesda, Maryland 20852

Parklawn Computer Center (PCC), 5600 Fishers Lane, Rockville, Maryland 20857

Inactive records and medical records for Medicare Accuracy Studies are located at the Federal Records Center, 100 Dan Fox Driver, Pittsfield, Massachusetts 01201.

A list of contractors currently working with portions of the records is available by writing to the System Manager at the address below: Agency for Health Care Policy and Research Center for Cost and Financing Studies, Cost Effectiveness Analysis Research Team, Suite 500, 2101 East Jefferson Street, Rockville, Maryland 20852.

SAFEGUARDS:

1. *Authorized Users:* These records will be maintained at the following sites: The Health Care Financing Administration (HCFA) computer in Baltimore, Maryland; the National Institutes of Health (NIH) DCRT mainframe computer in Bethesda, Maryland; or the AHCPR contractor computers and offices. Access is by password known only to authorized users who are AHCPR CCFS and Center for Outcomes and Effectiveness Research (COER) staff or contractors or their employees responsible for the conduct of authorized research, and who are authorized to use the data.

2. *Physical Safeguards:* Access to computer systems where data are stored electronically is restricted by the Policy Coordinating Official to individuals with special identification codes and accounts. The data set names are know only to those individuals with a need to known for authorized research. Hard copy of records are stored in locked rooms within locked areas monitored by AHCPR staff and building security guards. Access by key to locked store rooms is available only to research staff directly assigned to the studies or to administrative personnel in the presence of responsible research staff. Access to area around locked rooms is restricted to AHCPR staff and authorized personnel responsible for the physical aspects of records management including moving records when necessary. Inactive records in hard copy or on magnetic media are stored at the Federal Records Storage Facility with Records Management approval and with the safeguards and security provided by the facility. Rooms where records are stored are double locked when not in use. During regular business hours, rooms are unlocked but access is controlled by on-site personnel.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Pediatric Gastroentritis Research Agency for Health Care Policy and Research Center for Outcomes and Effectiveness Research, Suite 605, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone 301–594–1485

Project Officer, C–Section Research Agency for Health Care Policy and Research Center for Outcomes and Effectiveness Research, Suite 605, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone 301–594–1485

Project Officer, Schizophrenia Research Agency for Health Care Policy and Research Center for Outcomes and Effectiveness Research, Suite 605, 2101 East Jefferson Street, Rockville Maryland 20852, Telephone 301–594–1485

Project Officer, Low Birth Weight Research Agency for Health Care Policy and Research Center for Outcomes and Effectiveness Research, Suite 605, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone 301–594–1485

Project Officer, Stroke Research Agency for Health Care Policy and Research Center for Outcomes and Effectiveness Research, Suite 605, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone 301–594–1485.

[FR Doc. 98–5244 Filed 2–27–98; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director, Centers for Disease Control and Prevention: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Advisory Committee to the Director, CDC.

Time and Date: 8:30 a.m.-3 p.m., March 20, 1998.

Place: CDC, Auditorium A, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: This committee advises the Director, CDC, on policy issues and broad strategies that will enable CDC, the Nation's prevention agency, to fulfill its mission of promoting health and quality of life by preventing and controlling disease, injury, and disability. The Committee recommends ways to incorporate prevention activities more fully into health care. It also provides guidance to help CDC work more effectively with its various constituents, in both the private and public sectors, to make prevention a practical reality.

Matters to be Discussed: Agenda items will include updates from the Acting CDC Director, Claire V. Broome, M.D.; discussions on laboratory challenges and opportunities; and prevention research.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Linda Kay McGowan, Acting Executive Secretary, Advisory Committee to the Director, CDC, 1600 Clifton Road, NE, M/S D–24, Atlanta, Georgia 30333, telephone 404/639–7080.

Dated: February 20, 1998.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–5228 Filed 2–28–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee for Injury Prevention and Control: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Advisory Committee for Injury Prevention and Control (ACIPC).

Times and Dates: 2 p.m.-4 p.m., March 17, 1998; 8:30 a.m.-3:30 p.m., March 18, 1998.

Place: Omni Hotel at CNN Center, 100 CNN Center, Atlanta, Georgia 30335.

Status: Closed: 2 p.m.–3 p.m., March 17, 1998, and 8:30 a.m.–9 a.m., March 18, 1998; Open: 3 p.m.–4 p.m., March 17, 1998, and 9 a.m.–3:30 p.m., March 18, 1998.

Purpose: The Committee advises and makes recommendations to the Secretary, the Assistant Secretary for Health, and the Director, CDC, regarding feasible goals for the prevention and control of injury. The Committee makes recommendations regarding policies, strategies, objectives, and priorities, and reviews progress toward injury prevention and control. The Committee provides advice on the appropriate balance and mix of intramural and extramural research, including laboratory research, and provides guidance on intramural and extramural scientific program matters, both present and future, particularly from a long-range viewpoint. The Committee provides second-level scientific and programmatic review for applications for research grants, cooperative agreements, and training grants related to injury control and violence

prevention, and recommends approval of projects that merit further consideration for funding support. The Committee recommends areas of research to be supported by contracts and provides concept review of program proposals and announcements.

Matters to be Discussed: The meeting will convene in closed session from 2 p.m. to 3 p.m. on March 17, 1998. The purpose of this closed session is for the Science and Program Review Work Group (SPRWG) to consider Injury Control Research Center grant applications recommended for further consideration by the CDC Injury Research Grant Review Committee. On March 18, 1998, from 8:30 a.m. to 9 a.m., the meeting will convene in closed session in order for the full Committee to vote on a funding recommendation. These portions of the meeting will be closed to the public in accordance with provisions set forth in section 552(c)(4) and (6) title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Pub. L. 92–463. Following the SPRWG closed session, there will be a program oversight session which will include discussion of upcoming program announcements and progress on standing Work Group issues. The Committee will also discuss (1) an update from the Director, National Center for Injury Prevention and Control (NCIPC); (2) prevention research; (3) an update on Safe America and Safe America Handbook of Injury Control; and (4) a report from SPRWG.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Thomas E. Blakeney, Executive Secretary, ACIPC, NCIPC, CDC, 4770 Buford Highway, NE, M/S K61, Atlanta, Georgia 30341–3724, telephone 770/488–1481.

Dated: February 25, 1998.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–5387 Filed 2–27–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information, Collection Activity; Comment Request

Proposed Projects

Title: Quarterly Performance Report, ORR–6.

OMB No.: 0970–0036.

Description: Data gathered from the Quarterly Performance Report (Form ORR–6) are used by ORR to estimate the number of months of Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) that ORR can provide based on appropriations; to determine priorities, and standards, budget requests, and assistance policies; to analyze data on service caseloads and program outcomes in order to monitor performance; and to compute refugee medical assistance (RMA) utilization rates.

Respondents: State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Program Estimates (CMA)	48	4	3,875	744

Estimated Total Annual Burden Hours 744.

In compliance with the requirements of section 3506(c) (2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Service, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 24, 1998.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 98–5252 Filed 2–27–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Proposed Collection: IHS Contract Health Service Report; Request for Public Comment, 30 Days

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed information collection projects, the Indian Health Service (IHS) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection project was published in the August 4, 1997, **Federal Register** (62 FR 41967) and allowed 60 days for public comment. No public comment was received in response to the notice. The purpose of this notice is to allow 30 days for public comment to be submitted to OMB.

PROPOSED COLLECTION: *Title:* 09–17–0002, ''IHS Contract Health Service Report''. *Type of Information Collection Request:* Three year reinstatement, with change, of previously approved information collection, 09–17–002, ''IHS Contract Health Service Report'' which expired 12/31/97. *Form Number:* IHS–843–1A, ''Purchase-Delivery Order for Health Service.'' *Need and Use of Information Collection:* The Contract Health Service health care providers complete form IHS–843–1A to certify that they have performed the health

services authorized by the IHS. The information is used to manage, administer, and plan for the provision of health services to eligible American Indian patients, process payments to providers, obtain program data, provide program statistics, and, serves as a legal document for health care services rendered. *Affected Public:* Businesses or other for-profit, Individuals, not-for-profit institutions and State, local or Tribal Government. *Type of Respondents:* health care providers. Table 1 below provides: Data collection instruments, Estimated number of respondents, Number of responses per respondent, Average burden hour per response, and Total annual burden hour.

TABLE 1

Data collection instrument	Estimated number of respondents	Responses per respondent	Annual number of responses	Average burden hours per response*	Total annual burden hours
IHS–843–1A	9,115	43	393,416	0.05 (3 mins)	19,670
IDS**	21,797	1	21,797	0.05 (3 mins)	3,175

*For ease of understanding, burden hours are also provided in actual minutes.
**Inpatient Discharge Summary (IDS).

There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for Comments

Your written comments and/or suggestions are invited on one or more of the following points: (a) Whether the information collection activity is necessary to carry out an agency function and whether the IHS processes the information collected in a useful and timely fashion; (b) the accuracy of the public burden estimate (this is the amount of time needed for individual respondents to provide the requested information) and the methodology and assumptions used to determine the estimate; (c) ways to enhance the quality, utility, and clarity of the information being collected; and (d) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Send your written comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time, to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for IHS.

To request more information on the proposed collection or to obtain a copy of the data collection instrument(s) and/or instruction(s), contact: Mr. Lance Hodahkwen, Sr., M.P.H., IHS Reports Clearance Officer, 12300 Twinbrook Parkway, Suite 450, Rockville, MD 20852.1601, or call non-toll free (301) 443–1116 or send via facsimile to (301) 443–1522, or send your E-mail requests, comments, and return address to: lhodahkw@hqe.ihs.gov.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before April 1, 1998.

Dated: February 19, 1998.

Michael H. Trujillo,

Assistant Surgeon General Director.

[FR Doc. 98–5246 Filed 2–27–98; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Proposed Information Collection: Application for Participation in the IHS Scholarship Program; Request for Public Comment; 30 Days

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed information collection projects, the Indian Health Service (IHS) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection project was previously published in the October 9, 1997, **Federal Register** (62 FR 52725) and allowed 60 days for public comment. No public comment was received in response to the notice. The purpose of this notice is to allow 30 days for public comment to be submitted to OMB.

PROPOSED COLLECTION: *Title:* 09–17–0006, ''Application for Participation in the IHS Scholarship Program''. *Type of Information Collection Request:* 3-year extension, with minor change, of currently approved information collection, 09–17–0006, ''Application for Participation in the IHS Scholarship Program'' which expires March 31, 1997. *Form Number(s):* IHS–856, 856–2 through 856–8, IHS–818, D–02, F–02, F–04, G–02, G–04, H–07, H–08, J–04, J–05, K–03, K–04, and L–03. *Need and Use of Information Collection:* The IHS Scholarship Program forms collect information that is used to solicit, process and award scholarships, monitor the academic performance of awardees, and place awardees at payback sites. The data is needed to plan, manage, direct, operate and evaluate the IHS Scholarship Program. *Affected Public:* Individuals, Not-or-profit institutions and State, local or Tribal Government. *Type of Respondents:* Students pursuing health care professions.

Table 1 below provides: Data collection instrument(s), Estimated number of respondents, Number of responses per respondent, Total annual response, Average burden hour per response, and Total annual burden hours.

TABLE 1

Data collection instrument(s)	Number of respondents	Responses per respondent	Total annual response	Burden hour per response	Annual burden hours
Scholarship Application (856)	875	1	875	1.50	1,312
Checklist (856–2)	875	1	875	0.13	114

TABLE 1—Continued

Data collection instrument(s)	Number of respondents	Responses per respondent	Total annual response	Burden hour per response	Annual burden hours
Course Verification (856–3)	875	1	875	0.70	613
Faculty/Employer Application (856–4)	1,750	1	11,750	0.83	1,453
Justification (856–5)	875	1	875	0.75	656
Federal Debt (856–6)	875	1	875	0.13	114
MPH only (856–7)	50	1	50	0.83	42
Accept/Decline (856–8)	875	1	875	0.13	114
Stipend Checks (D–02)	100	1	100	0.13	13
Enrollment (F–02)	1,400	1	1,400	0.13	182
Academic Problem/Change (F–04)	100	1	100	0.13	13
Request Assistance (G–02)	217	1	217	0.13	28
Summer School (G–04)	193	1	193	0.10	19
Contract (818)	1,400	1	1,400	0.27	378
Placement (H–07)	250	1	250	0.18	45
Graduation (H–08)	250	1	250	0.17	43
Site Preference (J–04)	150	1	150	0.13	20
Travel Reimb (J–05)	150	1	150	0.10	15
Status Report (K–03)	250	1	250	0.25	63
Preferred Assignment (K–04)	200	1	200	0.75	150
Deferment (L–03)	20	1	20	0.13	3
Total	11,730	.....	.....	.....	5,390

For ease of understanding burden hours are provided in actual minutes.

There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for comments

Your written comments and/or suggestions are invited on one or more of the following points: (a) Whether the information collection activity is necessary to carry out an agency function and whether the IHS processes the information collected in a useful and timely fashion; (b) the accuracy of the public estimate (this is the amount of time needed for individual respondents to provide the requested information) and the methodology and assumptions used to determine the estimate; (c) ways to enhance the quality, utility, and clarity of the information being collected; and (d) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments To OMB: Send your written comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time, to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for IHS.

To request more information on the proposed collection or to obtain a copy of the data collection instrument(s) and/or instruction(s), contact: Mr. Lance Hodahkwen, Sr., M.P.H., IHS Reports Clearance Officer, 12300 Twinbrook Parkway, Suite 450, Rockville, MD 20852.1601, or call non-toll free (301) 443–1116 or send via facsimile to (301) 443–1522, or send your E-mail requests, comments, and return address to; Ihodahkw@hqe.ihs.gov.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before April 1, 1998.

Dated: February 18, 1998.

Michael H. Trujillo,

Assistant Surgeon General Director.

[FR Doc. 98–5247 Filed 2–27–98; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Conservation Plan and Associated Environmental Document

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehsive conservation plan and associated environmental document.

SUMMARY: The U.S. Fish and Wildlife Service intends to gather information necessary to prepare a comprehensive conservation plan and associated environmental document for the Alamosa-Monte Vista National Wildlife Refuge Complex in southern Colorado. The Service is issuing this notice in compliance with its policy to advise other organizations and the public of its intentions and to obtain suggestions and information on the scope of issues to be considered in the planning process.

DATES: Written comments should be received by April 30, 1998.

ADDRESSES: Comments and requests for more information should be sent to: Refuge Manager, Alamosa-Monte Vista National Wildlife Refuge Complex, 9383 El Rancho Lane, Alamosa, Colorado 81101–9003. Fax (719) 589–9184. E-mail: r6rw__alm@fws.gov

FOR FURTHER INFORMATION CONTACT: Michael Blenden, Refuge Manager, (719) 589–4021 or visit the website: http://www.r6.fws.gov/alamosanwr/

SUPPLEMENTARY INFORMATION: The Service has initiated comprehensive conservation planning for all properties of the Alamosa-Monte Vista National Wildlife Refuge Complex. This Complex is located near the town of Alamosa and Monte Vista, respectively, in the San Luis Valley of southern Colorado. Alamosa and Monte Vista National Wildlife Refuges were established under the authority of the Migratory Bird Conservation Act ''for use as inviolate sanctuaries, or for any other management purpose, for migratory birds''. Comprehensive planning will develop management goals, objectives, and strategies to carry out the establishment purposes of the Refuges and comply with laws and policies governing refuge management and public use of refuges.

The Service requests inputs as to what issues, affecting management or public use, should be addressed during the planning process. The Service is

especially interested in receiving public input in the following areas:

—what makes the Refuges special for you:

—what problems or issues do you see affecting management or public use of the Refuges?

—what improvements do you recommend for the Refuges?

—what changes, if any, would you like to see in the management of the Refuges?

The Service has provided the above questions for your optional use. There is no requirement to provide information to the Service. The Planning Team developed these questions to facilitate finding out more information about individual issues and ideas. Comments received by the Planning Team will be used as part of the planning process; individual comments will not be referenced in our reports or directly respond to.

There will also be an opportunity to provide input at open houses scheduled for March 1998 to scope issues and concerns (schedules can be obtained from the Alamosa National Wildlife Refuge at above address). All information provided voluntarily by mail, phone, or at public meetings becomes part of the official public record (i.e., names, addresses, letters of comment, input recorded during meetings). If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide copies of such information.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.). NEPA Regulations (40 CFR 1500–1508), other appropriate Federal laws and regulations, Executive Order 12996, the National Wildlife Refuge System Improvement Act of 1997, and Service policies and procedures for compliance with those regulations.

We estimate that the draft environmental document will be available for review in the fall of 1998.

Dated: February 23, 1998.

Joseph J. Webster,

Acting Regional Director, Denver, Colorado.

[FR Doc. 98–5229 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement (DEIS) for the Proposed, High Mesa Waste Management Facility on the Nambe Indian Reservation, Santa Fe County, NM

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability of DEIS and public hearing and public comment dates.

SUMMARY: This notice advises the public that the Draft Environmental Impact Statement (DEIS) for a proposed lease to construct and operate a combined municipal solid waste (MSW) and construction and demolition (C&D) waste facility on lands of the Pueblo of Nambe, Santa Fe County, New Mexico, is now available for public review and comment. This DEIS was prepared by the Bureau of Indian Affairs, in cooperation with the Pueblo of Nambe, the Nambe Pueblo Development Corporation and their environmental consultants. A description of the proposed project location and of the environmental issues addressed in the DEIS are provided below in the Supplementary Information. This notice also announces a public hearing to receive public comments on the DEIS.

This notice is published pursuant to Sec. 1503.1 of the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

DATES: Written comments must arrive by March 30, 1998, at the address given below. All correspondence should show the following caption on the first page: ''DEIS Comments, High Mesa Solid Waste Facility Project, Pueblo of Nambe, New Mexico.'' The public hearing will be held on March 17, 1998, at the location shown below. We will consider all comments sent during this period, or submitted at the hearing, in preparing the Final Environmental Impact Statement.

ADDRESSES: Address comments to Rob Baracker, Area Director, Albuquerque Area Office, Bureau of Indian Affairs, P.O. Box 26567, Albuquerque, NM 87125–6567. The public hearing will be held at from 6:00 p.m. to 10:00 p.m. on March 17, 1998, at the Nambe Pueblo Fuel Terminal east of Allsup's Convenience Store, at the Cuyamungue Arroyo on U.S. Route 84/285. This hearing will be co-hosted by the BIA and MCT Industries, Inc. of Albuquerque.

The DEIS is available for review at the following addresses: the Albuquerque Public Library, 501 Copper NW, Albuquerque, NM; the Santa Fe Public Library, 145 Washington Avenue, Santa Fe, NM; and the Espanola Public Library, 314–A Onate St., Espanola, NM. To obtain a copy of the DEIS, please write or call Curtis Canard, Environmental Protection Specialist, Albuquerque Area Office, Bureau of Indian Affairs, Albuquerque, NM 87125–6567, telephone (505) 766–1039.

FOR FURTHER INFORMATION CONTACT: Curtis Canard at the above address or telephone number.

SUPPLEMENTARY INFORMATION: The Proposed Action would permit High Mesa Environmental LLC (High) to lease 100 acres of the Nambe Indian Reservation for the purposes of constructing and operating a combined MSW and C&D waste facility for a variety of non-hazardous wastes. Approximately 200 to 400 tons per day of waste material would be delivered to the facility by truck. The purpose of the action is to help meet the northern New Mexico Pueblos' solid waste management needs, and to provide a foundation for economic development for the Pueblo of Nambe.

The proposed project includes an initial C&D-only waste cell, with an operations area, and a site well. The facility will ultimately include five additional lined cells for combined MSW and C&D waste, two collection ponds, monitoring wells and a leachate evaporation pond. Offsite roadway improvements would also be necessary. The project will meet all applicable environmental standards and regulations.

The project area is in the central portion of the Espanola Basin, part of the Alamosa-Santa Fe segment of the Rio Grande rift, 17 miles northwest of Santa Fe, New Mexico. It is an isolated site located three miles from the Pueblo proper, with no infrastructure such as water, power, or roads. The terrain in this area is steep and mostly clay, with little to no vegetation. The area is considered badlands.

The DEIS addresses the issues identified at the September 25, 1997, scoping meeting and in the written comments that were submitted to the Bureau of Indian Affairs (BIA) Albuquerque Area Office. Alternatives to the proposed project that are

considered in the DEIS include: (1) limited development; (2) use of an old landfill site; (3) alternate sites on the Nambe Reservation; (4) alternate sites off of the Reservation; (5) use of the site for recreation; (6) use of the site for agriculture; and (7) no action. The environmental issues addressed in the DEIS include geology, topography, soils, water resources, air quality, living resources, cultural resources, traffic, land use, visual resources, socio-economics, public health and safety, and noise.

Dated: February 24, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–5324 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–070–5101–CO12]

Notice of Availability of the Final Environmental Impact Statement (EIS) on the Plateau Creek Pipeline Replacement Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the Final Environmental Impact Statement (EIS) on the Plateau Creek Pipeline Replacement Project.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), the Grand Junction Resource Area office, Grand Junction District, had an Environmental Impact Statement prepared to address impacts of the Plateau Creek Pipeline Replacement project proposed by the Ute Water Conservancy District (Ute Water). The project is a raw water conveyance system proposed on private and public lands in Mesa County, Colorado to replace a deteriorated and under sized pipeline currently approved under BLM ROW grant C 081284.

Copies of the Final EIS will be available at the Mesa County Public Library in Grand Junction, Colorado, at the Grand Junction Resource Area, 2815 H Road, Grand Junction, Colorado 81506 at the BLM, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215 and at the Ute Water Conservancy District, 560 25 Road, Grand Junction, Colorado.

DATES: The Final EIS will be available to the public for 30 days starting February 17, 1998. After the 30 day availability period a Record of Decision will be issued.

FOR FURTHER INFORMATION CONTACT: BLM, Dave Stevens, Project Team Leader, (970) 244–3009.

Mark T. Morse,

District Manager.

[FR Doc. 98–5331 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. WY–040–08–1310–00]

Notice of Availability of Final Environmental Impact Statement

SUMMARY: This notice announces the availability of the Final Environmental Impact Statement (FEIS) for the Jonah Field II Natural Gas Project. McMurry Oil Company, Snyder Oil Corporation, Amoco Production Company, Western Gas Resources, et al., propose to develop the Jonah II natural gas field in Sublette County by drilling up to 450 wells and constructing roads, pipelines, compressor stations, and other necessary facilities for producing and transporting natural gas. The FEIS analyzes the anticipated impacts of the proposed natural gas project.

The Bureau of Land Management (BLM) is the lead agency for the EIS. The FEIS was prepared for BLM by TRC Mariah Associates, Inc., a third-party contractor, under the provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA).

The FEIS has been prepared in an abbreviated format. Alternatives considered in the Draft Environmental Impact Statement (DEIS) and the environmental effects of those alternatives have not been reprinted in the FEIS. However, sections dealing with air quality have been revised and are included in their entirety in the FEIS. You will therefore need both the DEIS and the FEIS for reviewing the complete document. Copies of the DEIS and the FEIS can be obtained from the BLM's Rock Springs District Office.

DATES: Written comments on the FEIS will be accepted for 30 days following the date the Environmental Protection Agency (EPA) publishes a notice of filing of the FEIS in the **Federal Register**. We expect that notice will be published February 27, 1998.

ADDRESSES: Send all written comments to the Bureau of Land Management, Rock Springs District Office, 280 Highway 191 North, Rock Springs, Wyoming 82901 (Phone 307–352–0256).

FOR FURTHER INFORMATION CONTACT: Arlan Hiner, Team Leader, BLM Rock Springs District Office, Telephone No. 307–352–0206.

SUPPLEMENTARY INFORMATION: The Jonah Field encompasses about 59,600 acres of land between Pinedale and Farson, Wyoming, within Townships 28 and 29 North, Ranges 107, 108, and 109 West, Sixth Principal Meridian. The Jonah Field has 49 producing natural gas wells. The Operators propose to explore, define, and develop the Jonah natural gas field by drilling up to 450 additional wells over the next 15 years contingent upon natural gas prices and markets.

The Jonah Field II EIS analyzes the impacts of the Proposed Action, a Sensitive Resource Protection Alternative, a Maximum Well Location Density of 4 per Section, and the No Action Alternative. Key issues include socioeconomic effects to people and communities near the project area and in the State as a whole; effects to antelope and antelope habitat, sage grouse, and raptor breeding and nesting; potential reductions in air quality and visibility; potential reductions in water quality; surface disturbance; and transportation planning.

The FEIS is a supplement to the DEIS published on July 25, 1997. It incorporates by reference most of the material presented in the DEIS and identifies the changes to the DEIS, and contains:

- The corrections and additions to the DEIS.
- Comments received on the DEIS and responses to the comments.
- The complete Air Quality Section in Chapter 4 and a revised Air Quality Technical Support Document.

EPA assigned the DEIS an EU–2 rating (Environmentally Unsatisfactory, Insufficient Information) contending that implementing the proposed action would cause adverse environmental impacts of sufficient magnitude to be unsatisfactory to environmental quality and represent a serious conflict with the national goals of the Clean Air Act. EPA believes that there are reasonably available alternatives to the proposed action which could reduce the predicted environmental impacts of the proposed action. Based upon EPA's comments, BLM made several changes in the Air Quality Section in Chapter 4 and in the Air Quality Technical Support Document. These sections are included in their entirety in the FEIS. No substantive changes were made to the proposed action.

This FEIS is not a decision document. A Record of Decision will be prepared and made available to the public following the 30-day comment period provided for the FEIS.

Dated: February 23, 1998.

Alan R. Pierson,

State Director.

[FR Doc. 98–5196 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–010–01–1210–04]

Notice of Intent To Amend the Arizona Strip Resource Management Plan, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

The proposed decision is to implement the Proposed Action as described in Environmental Assessment AZ–010–95–01, with additional terms and conditions from USFWS biological opinion 2–21–96–F–132. The Proposed Action is designed to address tortoise recovery goals and objectives while reducing impacts on local communities and human activities that occur in the Mojave Desert.

BLM is proposing to designate three Areas of Critical Environmental Concern (ACECs) encompassing 169,300 acres (264.5 sq. miles) to be managed primarily for recovery of desert tortoises, and modify the prescriptions for the Virgin River ACEC (8,100 acres).

Beaver Dam Slope ACEC: This would expand the existing ACEC to include tortoise habitat on public lands in Arizona north of I–15 and the Virgin River but outside the Beaver Dam Wilderness Area, as categorized in the RMP. This area would complement management in Nevada and Utah and contain approximately 51,400 acres (80.3 sq. miles) in Arizona.

Virgin Slope ACEC: This area would include most tortoise habitat on public lands in Arizona between the Virgin River (or I–15) and the Virgin Mountains, as categorized in the RMP. A small portion of the Mesquite Community Allotment in Nevada would be managed consistent with the ACEC. This ACEC would contain approximately 41,375 acres (64.6 sq. miles) in Arizona.

Pakoon ACEC: This would include tortoise habitat on public lands in the Pakoon Basin. This area would contain approximately 76,525 acres (119.6 sq. miles). Activities administered by the Arizona Strip on Lake Mead NRA and on public lands in Nevada would be managed in accordance with ACEC prescriptions.

Virgin River ACEC: There would be no change in the boundary of this ACEC (8,100 ac), although prescriptions would be modified to be consistent with the tortoise ACECs. BLM proposes to manage the following resources to reduce impacts on listed species and their habitats: mineral exploration and development, fire suppression, livestock grazing, vegetation harvest, lands and realty, transportation and access, off-highway vehicles, recreation, wild, free-roaming burros, wildlife management, and other surface-disturbing activities (such as military maneuvers and airports). Outside of the four ACECs there would be no change to decisions in the RMP, except that grazing would be managed in accordance with the grazing decisions issued August 11, 1995.

SUMMARY: The above decisions apply only to areas within the Arizona Strip that are either: within desert tortoise habitat as categorized by the Bureau; within critical habitat as designated by USFWS; within one of the four ACECs; pastures of livestock grazing allotments containing tortoise habitat (including portions of Nevada and Lake Mead NRA that are administered by the Arizona Strip BLM).

DATES: BLM proposes to implement the proposed action on April 2, 1998. Closure of the Pakoon ACEC would occur following a two-year notification period.

SUPPLEMENTARY INFORMATION: Protest procedures described in 43 CFR 1610.5–2 give the public an opportunity to initiate administrative review of perceived oversights or inadequacies in a proposed plan. Any proposed decision in a resource management plan amendment may be protested. The protest may only raise issues that were submitted for the record while the plan amendment was being prepared. Any party who has participated in the planning process may file a letter of protest. For proposed decisions in an EA-level plan amendment, a letter of protest to the Director must be filed within 30 days of this Notice of Availability. Letters of protest must be complete and respond to the content requirements established in 43 CFR 1610.5–2(a)(2). The protest may cover only those issues and concerns raised during the planning process.

FOR FURTHER INFORMATION CONTACT: Tim Duck, Planning and Environmental Coordinator, BLM Arizona Strip, 345 East Riverside Drive, St. George, Utah 84790, (435) 688–3200.

Roger G. Taylor,

Field Manager.

[FR Doc. 98–5293 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boundary Revision: Harpers Ferry National Historical Park

AGENCY: National Park Service, Interior.

ACTION: Notice of boundary revision.

SUMMARY: Notice is hereby given that the National Park Service is revising the boundary of Harpers Ferry National Historical Park to include one additional tract of land.

EFFECTIVE DATE: February 28, 1998.

FOR FURTHER INFORMATION CONTACT: Joseph A. Cook, Chief, Land Resources Program Center, National Capital Region, National Park Service, 1100 Ohio Drive, SW, Washington, DC 20242, (202) 619–7025; and Donald W. Campbell, Superintendent, Harpers Ferry National Historical Park, Harpers Ferry, West Virginia 25425, (304) 535–6224.

SUPPLEMENTARY INFORMATION: The Act of June 30, 1944, c. 328,58 Stat.645 (codified as amended and supplemented, 16 U.S.C. 450bb–450bb–6), which established Harpers Ferry National Historical Park, provides the Secretary of the Interior with authority to make minor revisions in the boundary of the Park. Such boundary revisions may be made, when necessary, after advising the appropriate Congressional committees, and following publication of a revised boundary map, drawing or other boundary description in the **Federal Register**.

In order to properly interpret and preserve the historic character of Harpers Ferry National Historical Park, it is necessary to revise the existing boundary to include one additional tract of land comprising approximately 56 acres. The inclusion of this tract within the boundary will bring Park acreage to approximately 2,350 acres. The existing acreage ceiling for the Park is 2,505 acres as set forth by Pub. L. 101–109 approved October 6, 1989. The property is being acquired by donation.

Notice is hereby given that the exterior boundary of Harpers Ferry National Historical Park is revised to include the following tract of land described in two (2) parcels:

Parcel 1

Known and described as the ''Exemption Parcel'', containing 16.07 acres, more or less, as the same is more particularly bounded and described on a plat entitled ''Exemption Parcel and Residue'', made by Appalachian Surveys, Inc., dated February 10, 1987, and recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 7, page 39.

BEING the same parcel of real estate which was conveyed to the Civil War Trust from D. Frank Hill, III, Substitute Trustee, by a deed dated the 18th. day of September, 1992 and recorded in the aforesaid Clerk's office in the Deed Book 724, page 153.

Parcel 2

Fronting 1,723.69 feet on the east side of Secondary Route 27 and containing 40.0 acres as the same is more particularly bounded and described on a plat entitled ''Exemption Parcel and Residue'' made by Appalachian Surveys, Inc., dated February 10, 1987, and recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 7, page 39.

BEING the same parcel of real estate which was conveyed to the Civil War Trust from D. Frank Hill, III, Substitute Trustee, by a deed dated the 30th. day of October, 1992 and recorded in the aforesaid Clerk's office in Deed Book 727, page 750.

Subject to all restrictive covenants, conditions, easements, rights-of-way and limitations of record.

These contiguous parcels of land contain in the aggregate 56 acres of land and are depicted as Tract No. 102–22 on Land Status Map numbered 385–80085, Segment 102, dated December, 1996.

All maps referenced are on file and available for inspection in the Offices of the Land Resources Program Center, National Capital Region, National Park Service, Department of Interior, 1100 Ohio Drive, SW, Washington, DC, 20242.

Dated: February 19, 1998.

Joseph Lawton,

Acting Regional Director, National Park Service, National Capital Region.

[FR Doc. 98–5288 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Hot Springs National Park, Arkansas; Concession Contract Negotiations

AGENCY: National Park Service, Interior.

ACTION: Concession Contract Negotiations.

SUMMARY: Public notice is hereby given that the National Park Service proposes to award a concession contract authorizing the continued operation of a Physical Medicine Center, within Hot Springs National Park. This center offers hydrotherapy, physical therapy, physical fitness, and a health spa.

EFFECTIVE DATE: May 1, 1998.

ADDRESSES: Interested parties should contact Assistant Superintendent Dale Moss at Hot Springs National Park, P.O. Box 1860, Hot Springs, Arkansas 71902, or call 501–624–3383, ext. 622 to obtain a copy of the prospectus. This describes the requirements of the proposed contract to be awarded for a period of ten years (from approximately June 1, 1998 through May 31, 2008).

All proposals to be evaluated and considered must be received by the Superintendent, Hot Springs National Park, P.O. Box 1860, Hot Springs, Arkansas 71902, not later than close of business, Central Standard Time, on or before May 1, 1998.

FOR FURTHER INFORMATION CONTACT: George R. Frederick, Chief, Concessions Management, 1709 Jackson Street, Omaha, Nebraska 68102, or call 402–221–3612.

SUPPLEMENTARY INFORMATION: This contract has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The existing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1997, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C., *et seq*), is entitled to be given preference in the renewal of the contract and in the negotiation of a new proposed contract providing that the existing concessioner submits a responsive offer which meets the terms and conditions of the Prospectus. This means that the contract will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to match the best offer, then the contract will be awarded to the existing concessioner.

If the existing concessioner does not submit a responsive offer, the right of preference in renewal shall be considered to have been waived, and the contract will then be awarded to the party that has submitted the best responsive offer.

The Secretary of the Interior will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Superintendent not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: February 17, 1998.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 98–5286 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Final Environmental Impact Statement for the General Management Plan; Cape Cod National Seashore, Massachusetts

AGENCY: National Park Service, Department of the Interior (DOI).

ACTION: Notice of availability of the final environmental impact statement for the General Management Plan.

SUMMARY: Pursuant to Council on Environmental Quality regulations and National Park Service policy, this notice announces the availability of the final environmental impact statement (FEIS) for the General Management Plan (GMP) for Cape Cod National Seashore, Barnstable County, Massachusetts. (DOI #FES 98–5). In accordance with the National Environmental Policy Act of 1969, the environmental impact statement was prepared to assess the impacts of implementing the general management plan.

This Final Environmental Impact Statement for the General Management Plan describes alternatives for management actions at Cape Cod National Seashore, the environment that would be affected by those actions, and the environmental consequences of implementing alternative actions. Three alternatives are presented, including the proposed general management plan.

Alternative 1 is a continuation of current management, often referred to as

the ''no-action'' alternative. Under this alternative the Park Service would continue to manage the national seashore to protect natural and cultural resources, while allowing for appropriate public use related to those resources. Essentially no new development for public use would be undertaken.

Alternative 2, the proposed plan, would guide the overall management of Cape Cod National Seashore for the next 10 to 15 years. The emphasis of the plan is on the management of natural and cultural resources; public use and interpretation; coordination with nonfederal landowners within the national seashore; administrative, maintenance, and operational concerns; and working with local residents, town and county officials and interested agencies and persons to resolve problems of mutual concern. The plan is programmatic in that it gives guidance and criteria for day-to-day decision making and for producing more specific future action and development plans. It would seek to maintain an appropriate balance between resource protection and public use. More opportunities would be provided for the public to experience the resources of the national seashore. Existing public use facilities and attractions would be improved. No major new development, however, is proposed , and the built environment or impacts from development would be reduced where possible. Under alternative 2 there would be more emphasis on preserving the ''timeless'' character of Cape Cod in terms of natural and dynamic landscapes, historic architecture and cultural landscapes, and customary activities. The National Park Service would work in partnership with local communities and officials to more effectively further educational and interpretive opportunities and resource stewardship on the Outer Cape and to more successfully address mutual problems and concerns, such as water quality, coastal processes, and traffic congestion—concerns that transcend political boundaries.

Alternative 3 builds on the approach of alternative 2, proposing that national seashore managers play a more formal role in directing efforts to protect and manage resources on the Cape through more structured partnerships. Included are other reasonable actions that could be implemented but that are significantly different from those presented in either alternative 1 or 2, and they are often more costly. The Park Service would initiate and enter into more formal agreements with state and local agencies to improve collaboration and consistency in day-to-day resource management. These actions are specific to selected management topics only, not to each subject area.

The draft environmental impact statement was available for public review from August 19, 1996 to December 31, 1996; comments and responses on that document on that document are reprinted in volume 2. The final environmental impact statement has been revised to reflect substantive comments and concerns received during the comment period, and the text has been refined and clarified where necessary.

DATES: The FEIS will be made available on February 27, 1998. Following a 30-day no action period a Record of Decision documenting the agency's decision will be issued.

SUPPLEMENTARY INFORMATION: Public reading copies of the FEIS will be available for review at the following locations:

National Seashore Headquarters, 99 Marconi Site Road, Wellfleet, MA 02667

Town libraries in Chatham, Eastham, Orleans, Provincetown, Truro, and Wellfleet

A limited number of copies of the FEIS can be obtained by writing to: Ms. Maria Burks, Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667, or by calling the front desk at (508) 349–3785.

Dated: February 17, 1998.

Maria Burks,

Superintendent, Cape Cod National Seashore.

[FR Doc. 98–5285 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Shenandoah National Park, Facility Development Plan; Notice of Termination

February 3, 1998.

SUMMARY: The National Park Service is terminating the Environmental Impact Statement, Facility Development Plan, Shenandoah National Park.

FOR FURTHER INFORMATION CONTACT: Mr. Sandy Rives, National Park Service, Shenandoah National Park, Luray, Virginia 22835; 540–999–3453.

SUPPLEMENTARY INFORMATION: The National Park Service published a Notice of Intent to prepare an environmental impact statement for the facility development plan project, Shenandoah National Park in the **Federal Register**, 58 FR 45529 dated 30 August, 1993. Scoping meetings were held throughout the region of Shenandoah National Park.

A draft EIS was field with EPA 1 July, 1996. Public review was conducted, no substantive comments were received. An abbreviated final EIS was filed with EPA 21 July, 1997.

During the planning process, the National Park Service determined that all of the housing units identified in the plan could not be built, and that many of the other building projects including maintenance buildings, staging facilities etc., also would have to be greatly reduced in size and scope, or could not be built. Further, during the 4 year process from the initial development of the project until the present, the project has become economically unfeasible, and, therefore, the extent of the project outlined in the DEIS is no longer being considered.

If planning resumes, a Notice of Intent will be published.

Douglas K. Morris,

Superintendent.

[FR Doc. 98–5280 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare an Environmental Impact Statement for a General Management Plan for Fort Pulaski National Monument, Georgia

AGENCY: National Park Service.

ACTION: Notice of intent to prepare an Environmental Impact Statement for a General Management Plan for Fort Pulaski National Monument, Georgia.

SUMMARY: The park is operating with a very old 1971 Master Plan that is obsolete and outdated and not prepared according to current National Park Service policies. Key management concerns include the identification of general strategies for the management of cultural features and artifacts, protection of natural resources and the historic setting, identification of and provision for desirable visitor experiences, effect of land use changes on park resources, and the expectation of little or no increases in budget and staff.

The plan will identify a resource-based framework for the park and describe desired future conditions, alternatives and general strategies, consistent with the park's purpose, significance, and mandates.

The alternatives and general strategies required to achieve desired future

conditions will then be assessed for their environmental effects.

DATES: A series of public meetings will be held in surrounding communities in the summer of 1998. Please consult with local newspapers for the times and locations or call the park for this information.

FOR FURTHER INFORMATION CONTACT: Superintendent, Fort Pulaski National Monument, P.O. Box 30757, Savannah, Georgia 31410–0757, Telephone: (912) 786–5787.

SUPPLEMENTARY INFORMATION: The National Park Service is beginning this planning process and invites your comments. You may provide your comments in person at the public meetings or by mail to the Superintendent at the above address. Comments by mail should reach the Superintendent by July 1, 1998. Issues for evaluation may be suggested as well as alternatives for addressing the issues. A draft of the plan and environmental impact statement is expected to be available for public review by the winter of 1998/1999. Your input is appreciated.

Dated: February 13, 1998.

Daniel W. Brown,

Acting Regional Director, Southeast Region.

[FR Doc. 98–5281 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Intent To Prepare an Environmental Impact Statement for a General Management Plan for Fort Raleigh National Historic Site, North Carolina

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement for a General Management Plan for Fort Raleigh National Historic Site, North Carolina.

SUMMARY: The park is operating with an outdated 1966 Master Plan that is not consistent with current National Park Service policies. Key management concerns include the identification of general strategies to address the addition of over 300 acres, changes to the purpose and significance of the park, identification of and provision for desirable visitor experiences and facilities, protection of natural and cultural resources, enhancement of relationships with others in the area, the role of archaeological education and the expectation of little or no increases in budget and staff.

The plan will identify a resource-based framework for the park and describe desired future conditions, alternatives, and general strategies, consistent with the park's purpose, significance, and mandates.

The alternatives and general strategies required to achieve desired future conditions will then be assessed for their environmental effects.

DATES: A series of public meetings will be held in surrounding communities in the winter and spring of 1998. Please consult with local newspapers for the times and locations or call the park for this information.

FOR FURTHER INFORMATION CONTACT: Superintendent, Cape Hatteras National Seashore, Route 1, Box 675, Manteo, North Carolina 27954, Telephone: (919) 473–2111.

SUPPLEMENTARY INFORMATION: The National Park Service is beginning this planning process and invites your comments. You may provide your comments in person at the public meetings or by mail to the Superintendent at the above address. Comments by mail should reach the Superintendent by July 1, 1998. Issues for evaluation may be suggested as well as alternatives for addressing the issues. A draft of the plan and environmental impact statement is expected to be available for public review by the winter of 1998/1999. Your input is appreciated.

Dated: February 13, 1998.

Daniel W. Brown,

Regional Director, Southeast Region.

[FR Doc. 98–5283 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Isle Royale National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act of 1969 the National Park Service announces the availability of the Draft General Management Plan/Environmental Impact Statement (GMP/EIS) for Isle Royale National Park. This notice also announces public meetings for the purpose of receiving public comments on the Draft GMP/EIS.

The purpose of the general management plan is to set forth the basic management philosophy and to provide the strategies for addressing issues and achieving management objectives over the next 15 to 20 years. This Draft GMP/EIS describes and evaluates five alternatives for the management of Isle Royale National Park.

Alternative A (No Action): Alternative A is the no-action, or status quo, alternative and provides a baseline for comparison of the other four alternatives.

Proposed Action: The proposed action is the National Park Service's preferred alternative. It would emphasize separation of uses and improvement of visitor experiences. Rock Harbor and Windigo would continue to be the focus of visitor services. Some historic structures would be preserved. Use would be distributed fairly evenly across the island. Limits on use would be likely. Lodging and other services would be reduced at Rock Harbor.

Alternative B: Alternative B would expand facilities and services at the ends of the island and create a more primitive experience toward the center. Cultural resources would be preserved only at the ends of the island. Use limits would be imposed in some zones. Some facilities in developed areas would be expanded to serve visitors preparing to enter the backcountry.

Alternative C: Alternative C would scale back all development to create a more primitive park. No interpretive media or formal programs would be offered on the island. All cultural resources would be documented and allowed to deteriorate. A narrower range of experiences would be available. Visitor numbers would be lowered and use limits would be instituted islandwide. All concessions and related facilities would be removed.

Alternative D: Alternative D was modified to become the proposed action, above.

Alternative E: Alternative E would allow management of the park to continue as it is now, but visitor numbers would be controlled and would be low. Historic structures would be preserved according to significance. A variety of uses would continue and would take place across the island.

The potential consequences of the actions in the alternatives on natural resources, cultural resources, visitor use and experiences, park operations, and the socioeconomic environment have been evaluated. In general, all alternatives would better protect the park's natural resources than the current management direction (alternative A). Alternative C would provide the greatest benefit to natural resources but would have the most negative effects on cultural resources and on visitor use. The proposed action and alternative E would best protect cultural resources. Impacts on park operations from the alternatives would be mixed; the

workload would remain roughly the same (except in alternative C, where it would be reduced), but the emphasis would change depending on the alternative. The alternatives would not appreciably affect the socioeconomic environment.

DATES: Public meetings to solicit comment on the Draft GMP/EIS will be held on the following dates: April 22, 1998 (St. Paul, Minnesota), April 23 (Duluth, Minnesota), April 24 (Houghton, Michigan), and April 27 (Ann Arbor, Michigan). Times and locations for the meetings can be obtained by contacting Isle Royale National Park at 906–482–0986.

ADDRESSES: Comments on the Draft GMP/EIS should be submitted no later than May 15, 1998 to: Planning Team Leader, Isle Royale General Management Plan, National Park Service, Denver Service Center-RP, P.O. Box 25287, Denver, Colorado 80225.

Public review copies of the Draft GMP/EIS will be available at the following locations: Office of Public Affairs, National Park Service, 1849 C Street, NW, Washington, DC 20013; Department of the Interior Natural Resource Library, 1849 C Street, NW, Washington, DC 20013; National Park Service, Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102; Isle Royale National Park, 800 E. Lakeshore Drive, Houghton, Michigan 49931; and local public libraries. The Draft GMP/EIS can also be viewed via the Internet at http://www.nps.gov/planning/current.htm.

FOR FURTHER INFORMATION CONTACT: Superintendent Douglas A. Barnard or Chief Ranger Pete Armington 800 East Lakeshore Drive, Houghton, Michigan, or at telephone number 906–487–7140.

SUPPLEMENTARY INFORMATION: Isle Royale National Park was authorized by the Act of March 3, 1931 (46 Stat. 1514).

Dated: February 23, 1998.

David N. Given,

Deputy Regional Director, Midwest Region.

[FR Doc. 98–5282 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Indian Memorial Advisory Committee; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting of Little Bighorn Battlefield National Monument Advisory Committee.

SUMMARY: This notice announces a scheduled meeting of the Little Bighorn Battlefield National Monument Advisory Committee (a.k.a. Indian Memorial Advisory Committee). Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING DATE AND TIME: Monday, March 30, 1998, 9–12 a.m. and 1:30–5 p.m.; and Tuesday, March 31, 1998, 8–12 a.m. and 1:30–5 p.m.

ADDRESSES: Sheraton Denver West Hotel, 360 Union Blvd., Lakewood, Colorado 80228, 303/987–2000.

THE AGENDA OF THIS MEETING WILL BE: Introductions/opening remarks, administrivia, minutes from last meeting, discuss follow-up actions from last meeting, update on preliminary design drawings and presentation by Architectural and Engineering firm, presentation by National Park Foundation representative, updates on: funding; budget; traveling exhibit; tribal meetings; presentations and lectures. The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with: Superintendent, Little Bighorn Battlefield National Monument, P.O. Box 39, Crow Agency, Montana 59022, telephone (406) 638–2621. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of the Superintendent of Little Bighorn Battlefield National Monument.

SUPPLEMENTARY INFORMATION: The Advisory Committee was established under Title II of the Act of December 10, 1991, for the purpose of advising the Secretary on the site selection for a memorial in honor and recognition of the Indians who fought to preserve their land and culture at the Battle of Little Bighorn, on the conduct of a national design competition for the memorial, and ''* * * to ensure that the memorial designed and constructed as provided in section 203 shall be appropriate to the monument, its resources and landscape, sensitive to the history being portrayed and artistically commendable.''

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara A. Sutteer, Chief, Office of American Indian Trust Responsibilities, Intermountain Region, National Park Service, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225–0287, (303) 969–2511.

Dated: February 19, 1998.

Linda L. Stoll,

Assistant Regional Director, Program Review, Designated Federal Officer, Intermountain Region, National Park Service.

[FR Doc. 98–5287 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 21, 1998. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by March 17, 1998.

Carol D. Shull,

Keeper of the National Register.

CALIFORNIA

Los Angeles County

Portal of the Folded Wings Shrine to Aviation and Museum, 10621 Victory Blvd., North Hollywood, 98000246

St. Andrews Bungalow Court, 1514–1544 N. St. Andrews Pl., Los Angeles, 98000244

San Luis Obispo County

Bank of Italy, 1245 Park St., Paso Robles, 98000245

COLORADO

Douglas County

American Federation of Human Rights Headquarters, 9070 S. Douglas Blvd., Larkspur, 98000247

GEORGIA

Bartow County

North Wall Street Historic District (Downtown Cartersville MPS), Roughly bounded by N. Wall, E. Church, and N. Gilmer Sts., and E. Cherokee Ave., Cartersville, 98000249

Fulton County

Knox Apartments, Cauthorn House and Peachtree Road Apartments Historic District, 2214–2230 Peachtree Rd., Atlanta, 98000248

IOWA

Kossuth County

Land and Loan Office Building, 123 W. State St., Algona, 98000250

KANSAS

McPherson County

Johnson House, 226 W. Lincoln, Lindsborg, 98000251

LOUISIANA

Tangipahoa Parish

Downtown Amite Historic District, Roughly along of Central Ave., Oak St., and Mulberry St., Amite, 98000252

MASSACHUSETTS

Barnstable County

West Falmouth Village Historic District, Roughly along N. Shore Rd., from jct. of MA 28a and MA 28, and Crocker Point, Falmouth, 98000253

MISSISSIPPI

Marshall County

McCoy Administration Building, 150 E. Rust Ave., Holly Springs, 98000254

NEW JERSEY

Essex County

South Orange Fire Department, Jct. of First and Sloan Sts., South Orange Village, 98000255

Hunterdon County

New Hampton Historic District, Roughly along Musconetcong River Rd, and Rymon Rd., Lebanon, 98000257

Monmouth County

St. Peter's Episcopal Church, 31 Throckmorton St., Freehold Borough, 98000256

NORTH CAROLINA

Germanton Methodist Church and Cemetery Main St., jct. of Main St. and Willow St. Germanton, 98000259

OREGON

Wasco County

First Wasco County Courthouse 410 W. Second Pl. The Dalles, 98000260

WISCONSIN

Milwaukee County

Milwaukee County School of Agriculture and Domestic Economy Historic District, 9722 Watertown Plank Rd., Wauwatosa, 98000258

Request for Removal

A request for removal has been made for:

OREGON

Multnomah County

Knights of Columbus Building, 804 SW Taylor St., Portland, 90000830

Wasco County

First Wasco County Courthouse, 404 2nd St., The Dalles, 77001116

[FR Doc. 98–5274 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of Procedures and Guidance for the siting of Telecommunication Antenna Sites in Units of the National Park Service

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: The National Park Service (NPS) has available for public review, the proposed guidance and procedures document for the siting of Telecommunication Antenna Sites in units of the NPS. This information was developed to provide guidance and procedures to all units of the National Park System who deal with requests for establishing Telecommunication Antenna Sites in compliance with section 704(c) of the Telecommunications Act of 1996, Pub. L. 104–104. At the end of the review period, this material will appear in the NPS Guideline for Special Park Uses distributed to all NPS units. This document will provide guidance to park managers concerning all aspects of requests for siting Telecommunication Antenna Sites in the National Park System, from possible preliminary, pre-contact activities through final issuance of a document permitting use of the site.

Copies of the proposed guidance document will be made available upon request by writing to: Dennis Burnett, National Park Service, Ranger Activity Division, 1849 C St. NW, Suite 7408, Washington, DC 20240, or by calling 202–208–4874. The guidance document is also available electronically as a Microsoft Word file at the following web site: http://www.nps.gov.refdesk/DOrders/index.htm

DATES: Written comments will be accepted through May 1, 1998.

ADDRESSES: Comments should be addressed to: Dick Young, Special Park Uses Program Manager, C/O Colonial NHP, P.O. Box 210, Yorktown, VA 23690.

FOR FURTHER INFORMATION CONTACT: Dick Young at 757–898–7846, or 757–898-3400, ext. 51.

Dated: February 18, 1998.

Chris Andress,

Chief, Ranger Activities Division.

[FR Doc. 98–5284 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Notice of Request for Reinstatement of a Revised Previously Approved Information Collection; Comment Request: Crop Acreage and Yields and Water Distribution

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of request for comments.

SUMMARY: The Bureau of Reclamation (Reclamation) is announcing an opportunity for public comment on the proposed reinstatement of a certain revised information collection. Under the Paperwork Reduction Act of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of an expired collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements for an annual crop census to be taken, along with related statistics, on all operating Reclamation projects.

DATES: Comments on this notice must be received by May 1, 1998.

ADDRESSES: To submit comments on the information collection contact: Bureau of Reclamation, Information Collection Officer, D–7924, P.O. Box 25007, Denver, CO 80225–0007: telephone (303) 445–2047; Internet address: infocoll@do.usbr.gov.

FOR FURTHER INFORMATION CONTACT: Larry Schluntz, Program Analysis Office, D–5200, P.O. Box 25007, Denver, CO 80225–0007; telephone: (303) 445–2901 or Robert Hamilton, Economics Branch, D–8270, P.O. Box 25007, Denver, CO 80225–0007; telephone: (303) 445–2724.

SUPPLEMENTARY INFORMATION: The annual crop census is to be taken on all operating Reclamation projects, along with related statistics, including water distribution, primarily for use as a tool in administering, managing, and evaluating the Federal Reclamation program. The statistics are used extensively in the administration of the repayment and water service contracts. They also are used in the determination of the irrigators ability to pay and in the economic evaluation of the projects, including benefit/cost analysis and Class I equivalency. These statistics are utilized in the determination of subsidies to irrigation and in the administration of foreign treaties, such as the North American Free Trade Agreement (NAFTA), where estimates of subsidies to agriculture are required. In

addition, the water use is utilized extensively to determine the effectiveness of conservation measures and to determine irrigation water requirements. This information will also be used by other Federal and non-Federal programs to carry out research programs regarding irrigation and water use. Crop and water statistics are of importance as factual statements of program accomplishment and will be used as documentation for Government Performance and Results Act (GPRA) requirements.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of Reclamation, including whether the information will have practical utility; (b) the accuracy of Reclamation's estimated time and cost burdens of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including increased use of automated collection techniques or other forms of information technology.

Title: Crop Acreage and Yields and Water Distribution.

OMB No.: 1006–0001.

Description of respondents: Irrigators and water user entities in the 17 Western States who receive irrigation water service from Reclamation facilities. Also included are entities who receive other water service, such as municipal and industrial water through Reclamation facilities.

Number of respondents: 25,000.

Frequency: Annually.

Estimated completion time: An average of 15 minutes per response.

Annual responses: 25,000.

Annual burden hours: 6,250 hours.

Consideration will be given to comments and suggestions submitted within 60 days of the publication.

Dated: February 24, 1998.

J. William McDonald,

Acting Director, Program Analysis Office.

[FR Doc. 98–5230 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bay-Delta Advisory Council's Ecosystem Roundtable Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bay-Delta Advisory Council's (BDAC) Ecosystem Roundtable will meet to discuss several issues including: additional proposals, designated actions, and focused grants for FY 98 funding, revised planning process, funding coordination, CVPIA FY 98 budget and other issues. This meeting is open to the public. Interested persons may make oral statements to the Ecosystem Roundtable or may file written statements for consideration.

DATES: The Bay-Delta Advisory Council's Ecosystem Roundtable meeting will be held from 9:30 am to 3:00 pm on Friday, March 13, 1998 .

ADDRESSES: The Ecosystem Roundtable will meet at the Resources Building, 1416 Ninth Street, Room 1131, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Cindy Darling, CALFED Bay-Delta Program, at (916) 657–2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long-term solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA) as the Bay-Delta Advisory Council (BDAC) to advise CALFED on the program mission, problems to be addressed, and objectives for the CALFED Bay-Delta Program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called the Ecosystem Roundtable to provide input on annual workplans to implement ecosystem restoration projects and programs.

Minutes of the meeting will be maintained by the CALFED Bay-Delta Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: February 23, 1998.

Roger Patterson,

Regional Director, Mid-Pacific Region.

[FR Doc. 98–5227 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for the title described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: Comments must be submitted on or before April 1, 1998, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208–2783, or electronically to jtreleas@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted a request to OMB to renew its approval of the collection of information contained in 30 CFR 702, Exemption for Coal Extraction Incidental to the Extraction of Other Minerals. OSM is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is listed in 30 CFR Part 702, which is 1029–0089.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on these collections of information was published on November 19, 1997 (62 FR 61828). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: Exemption for Coal Extraction Incidental to the Extraction of Other Minerals, 30 CFR Part 702.

OMB Control Number: 1029–0089.

Summary: This part implements the requirement in Section 701(28) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), which grants an exemption from the requirements of SMCRA to operators extracting not more than 16 ⅔ percentage tonnage of coal incidental to the extraction of other minerals. This information will be used by the regulatory authorities to make that determination.

Bureau Form Number: None.

Frequency of Collection: Once and annually thereafter.

Description of Respondents: Producers of coal and other minerals.

Total Annual Responses: 78.

Total Annual Burden Hours: 733.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the following address. Please refer to the appropriate OMB control number in all correspondence.

ADDRESSES: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503, and to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210—SIB, Washington, DC 20240.

Dated: February 24, 1998.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 98–5235 Filed 2–27–98; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: March 9, 1998 at 2:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 731–TA–763–766 (Final) (Certain Steel Wire Rod from Canada, Germany, Trinidad and Tobago, and Venezuela)—briefing and vote.
5. Outstanding action jackets:

1. Document No. GC–98–001: Decision whether to grant the appeals of Order No. 96 in Inv. No. 337–TA–383 (Certain Hardware Logic Emulation Systems and Components Thereof).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: February 24, 1998.

By order of the Commission:

Donna R. Koehnke,

Secretary.

[FR Doc. 98–5393 Filed 2–26–98; 10:42 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–98–003]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: March 11, 1998 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. No. TA–201–67 (Wheat Gluten) (Remedy Phase)—briefing and vote.
5. Outstanding action jackets:

1. Document No. GC–98–001: Decision whether to grant the appeals of Order No. 96 in Inv. No. 337–TA–383 (Certain Hardware Logic Emulation Systems and Components Thereof).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: February 25, 1998.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 98–5395 Filed 2–26–98; 12:01 pm]

BILLING CODE 7020–02–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98–026]

NASA Advisory Council, Advisory Committee on the International Space Station (ACISS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Advisory Committee on the International Space Station.

DATES: Thursday, March 12, from 8:00 a.m. until 5:00 p.m., and Friday, March 13, 1997 from 8:00 until 12:00 p.m. and from 2:00 p.m. until 3:30 p.m.

ADDRESSES: Lyndon B. Johnson Space Center, Building 1, Room 966, Houston, TX 77058–3696.

FOR FURTHER INFORMATION CONTACT: Mr. W. Michael Hawes, Code ML, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0242.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to seating capacity of the room, from 8:00 a.m. until 5:00 p.m. on Thursday,

March 12, 1998. The meeting will reconvene at 8:00 a.m. until 12:00 p.m. and from 2:00 p.m. until 3:30 p.m. Friday, March 13, 1998. The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- ISS Status
- Assembly sequence
- Software Development update
- Overview of Training changes from Shuttle to Station
- Operations Planning for Station
- Crew Time Utilization
- Lessons Learned from Mir and other programs
- ICM (Interim Control Module)
- Response to Recommendations

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 24, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–5209 Filed 2–27–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Services.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that propose the destruction of records not previously authorized for disposal, or reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 16, 1998. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

FOR FURTHER INFORMATION CONTACT: Michael L. Miller, Director, Modern Records Programs, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, telephone (301) 713–7110.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. *Department of Agriculture, Agricultural Research Service (N1–310–97–1).* Records related to human nutrition research.

2. *Department of Defense Inspector General (N1–509–97–1).* Work papers and background materials accumulated in the course of preparing Congressional testimony, investigating administrative matters and conducting internal investigation.

3. *Department of Energy, Albuquerque Operations Office (N1–434–98–1).* Routine administrative and housekeeping files relating to the management of The Uranium Mill Tailings Remedial Action (UMTRA) Project. Internal and external audit, mission critical correspondence, minutes of meetings, and certain other primary program records will be retained as permanent records, Medical, training, and other personnel type records that document individual exposure to radiation will be retained for 75 years prior to destruction.

4. *Department of the Navy (N1–NU–98–3).* Index to intercepted electronic communications collected in the conduct of investigations. Actual intercepts are files and maintained in the appropriate criminal or counter intelligence investigative case file.'

5. *Department of State, All Foreign Service Posts (N1–84–97–6).* Reduction in retention periods and addition of new items relating to the issuance of visas.

Dated: February 10, 1998.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 98–5291 Filed 2–27–98; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL LABOR RELATIONS BOARD

National Labor Relations Board Advisory Committee on Agency Procedure

AGENCY: National Labor Relations Board.

ACTION: Notice of meetings.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2 (1972), and 29 CFR Sec. 102.136 (1993), the National Labor Relations Board has established a National Labor Relations Board Advisory Committee on Agency Procedure, the purpose of which is to provide input and advice to the Board and General Counsel on changes in Agency procedures that will expedite case processing and improve Agency service to the public. Notices of the establishment and renewal of the Advisory Committee were published in

the **Federal Register** on May 13, 1994 (59 FR 25128) and November 27, 1996 (61 FR 60311), respectively.

As indicated in the notice establishing the Advisory Committee, the Committee consists of two Panels which will meet separately, one composed of Union-side representatives and the other of Management-side representatives. Pursuant to Section 10(a) of FACA, the Agency hereby announces that the next meetings of the Advisory Committee Panels will be held on March 12 (Union-side) and March 17, 1998 (Management-side)

Time and Place

The meeting of the Union-side Panel of the Advisory Committee will be held at 10:00 a.m. on Thursday, March 12, 1998, at the National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C., in the Board Hearing Room, Rm 11000. The meeting of the Management-side Panel of the Advisory Committee will be held at 10:00 a.m. on Tuesday, March 17, 1998, at the same location.

Agenda

The agenda at the meetings of both Advisory Committee Panels will be: (1) The Agency's policies regarding the use of absentee ballots in Agency-conducted elections; (2) the Agency's policies regarding the use of foreign language notices, foreign language ballots and foreign language interpreters in Agency-conducted elections; (3) the Agency's policies regarding the provision of interpreters in unfair labor practice invesitgaitons and hearings; and (4) the procedures followed by the General Counsel under Sec. 10(j) of the Act in unfair labor practice cases.

Public Participation

The meetings will be open to the public. As indicated in the Agency's prior notice, within 30 days of adjournment of the later of the Advisory Committee Panel meetings, any member of the public may present written comments to the Committee on matters considered during the meetings. Written comments should be submitted to the Committee's Management Officer and Designated Federal Official, Enid W. Weber, Associate Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Suite 11600, Washington, D.C. 20570–0001; telephone: (202) 273–1937.

FOR FURTHER INFORMATION CONTACT: Advisory Committee Management Officer and Designated Federal Official, Enid W. Weber, Associate Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Suite 11600, Washington, D.C. 20570–0001; telephone: (202) 273–1937.

Dated: February 23, 1998.

Enid W. Weber,

Associate Executive Secretary.

[FR Doc. 98–5245 Filed 2–27–98; 8:45 am]

BILLING CODE 7545–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Security Termination Statement; Request for Access Authorization; Request for Visit or Access Approval.

2. *Current OMB approval number:* Nos. 3150–0049; 3150–0050; 3150–0051.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC Form 136, licensee and contractor employees, who have been granted an NRC access authorization; NRC Form 237, any employee of approximately 20 licensees and 2 contractors who will require an NRC access authorization; NRC Form 277, any employee of two current NRC contractors who (1) holds an NRC access authorization, and (2) needs to make a visit to NRC, other contractors/licensees or government agencies in which access to classified information will be involved or unescorted area access is desired.

5. *The number of annual respondents:* NRC Form 136, 22; NRC Form 237, 22; NRC Form 277, 2.

6. *The number of hours needed annually to complete the requirement or request:* NRC Form 136, 40; NRC Form 237, 16; NRC Form 277, 1.

7. *Abstract:* The NRC Form 136 affects the employees of licensees and contractors who have been granted an NRC access authorization. When access authorization is no longer needed, the completion of the form apprises the respondent of their continuing security responsibilities. The NRC Form 237 is completed by licensees, NRC contractors or individuals who require an NRC access authorization. The NRC Form 277 affects the employees of contractors who have been granted an NRC access authorization and require verification of that access authorization and need-to-know in conjunction with a visit to NRC or another facility.

Submit, by May 1, 1998, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov) under the FedWorld collection link on the home page tool bar. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 F33, Washington, DC, 20555–0001, or by telephone at 301–415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 23rd day of February, 1998.

For the Nuclear Regulatory Commission.

Brenda Jo Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–5239 Filed 2–27–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for Office of Management and Budget (OMB) for Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review of continued approval of information collection under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* Policy Statement on ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement,'' Maintenance of Existing Agreement State Programs, Requests for Information Through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP.

3. *Current OMB approval number:* 3150–0183.

4. *How often the collection is required:* Four activities occur under this collection: annual requirements for Agreement States to maintain their programs; IMPEP reviews conducted no less frequently than every four years; participation by Agreement States in the IMPEP reviews; and, as needed, for States interested in becoming Agreement States.

5. *Who is required or asked to report:* Any State receiving Agreement State status by signing Section 274b. agreements with NRC and any State interested in becoming an Agreement State. Presently there are 30 Agreement States.

6. *An estimate of the number of responses:* 8.

7. *An estimated number of annual respondents:* For the 30 existing Agreement States, approximately eight are asked to respond annually. For States interested in becoming an Agreement State, an average of one every three years.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* For a State interested in becoming an Agreement State: Approximately 3,600 hours. For Agreement State participation in 10 IMPEP team reviews (8 State and 2 NRC Regions): 360 hours (an average of 36 hours per review). For maintenance of existing Agreement State programs: 219,600 hours (an average of 7,320 hours per State). For Agreement State response to 8 IMPEP questionnaires: 360 hours (an average of 45 hours per program). The total number of hours annually is 223,920 hours.

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* States wishing to become an Agreement State are requested to provide certain information to the NRC as specified by the Commission's Policy Statement, ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement.'' Agreement States need to ensure that the Radiation Control Program under the Agreement remains adequate and compatible with the requirements of Section 274 of the Atomic Energy Act and must maintain certain information. NRC conducts periodic evaluations through IMPEP to ensure that these programs are compatible with the NRC's, meet the applicable parts of Section 274 of the Atomic Energy Act, and are adequate to protect public health and safety.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, D.C. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov) under the FedWorld collection link on the home page tool bar. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer by April 1, 1998. Martin Offutt, Office of Management and Regulatory Affairs (3150–0183), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 23rd day of February, 1998.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–5238 Filed 2–27–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–424 and 50–425]

Southern Nuclear Operating Company; Vogtle Electric Generating Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the Final Safety Analysis Report (FSAR) update requirements of 10 CFR Part 50, Section 50.71(e)(4), for Facility Operating License Nos. NPF–68 and NPF–81 issued to Southern Nuclear Operating Company, Inc., et al. (the licensee) for operation of the Vogtle Nuclear Generating Plant (VEGP), Units 1 and 2, located in Burke County, Georgia.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow an exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the VEGP, Units 1 and 2, FSAR. Under the proposed exemption, the licensee would submit FSAR updates to the single, unified FSAR for the two units that comprise VEGP, within 6 months following the VEGP Unit 2 refueling outage, not to exceed 24 months from the last submittal.

The proposed action is in accordance with the licensee's application for exemption dated January 23, 1998.

The Need for the Proposed Action

The proposed action would provide an exemption to the requirements of 10 CFR 50.71(e)(4), which requires licensees to submit updates to their FSAR within 6 months after each refueling outage providing that the interval between successive updates does not exceed 24 months. Since VEGP, Units 1 and 2, share a common FSAR, the licensee must update the same document within 6 months after a refueling outage for either unit. Allowing the exemption would maintain the FSAR current within 24 months of the last revision and still would not exceed a 24-month interval for submission of the 10 CFR 50.59 design change report for either unit.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that issuance of the proposed exemption to 10 CFR 50.71(e)(4) will have no environmental impact. The change will not increase the probability

or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the VEGP, ''Final Environmental Statement related to the Operation of Vogtle Electric Generating Plant, Units 1 and 2,'' NUREG–1087, dated March 1985.

Agencies and Persons Consulted

In accordance with its stated policy, on February 10, 1998, the staff consulted with the Georgia State official, Mr. J. Setzer, of the Georgia Department of Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 23, 1998, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia.

Dated at Rockville, Maryland, this 24th day of February 1998.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–5240 Filed 2–27–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Week of March 2, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of March 2

Wednesday, March 4

2:00 p.m. Discussion of Management Issues (Closed—Ex. 2)

Friday, March 6

10:30 a.m. Briefing by the Executive Branch (Closed—Ex. 1)

11:55 a.m. Affirmation Session (Public Meeting) (if needed)

Note: The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301–415–1661).

In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmhanrc.gov or dkwanrc.gov.

Dated: February 25, 1998.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 98–5397 Filed 2–26–98; 12:01 pm]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Request for Public Comment

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 15a–6, SEC File No. 270–0329, OMB Control No. 3235–0371

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 15a–6 [17 CFR 240.15a–6] under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), which provides, among other things, an exemption from broker-dealer registration for foreign broker-dealers that effect trades with or for U.S. institutional investors through a U.S. registered broker-dealer, provided that the U.S. broker-dealer obtains certain information about, and consents to service of process from, the personnel of the foreign broker-dealer involved in such transactions, and maintains certain records in connection therewith.

These requirements are intended to ensure (a) that the U.S. broker-dealer will receive notice of the identity of, and has reviewed the background of, foreign personnel who will contact U.S. institutional investors, (b) that the foreign broker-dealer and its personnel effectively may be served with process in the event enforcement action is necessary, and (c) that the Securities and Exchange Commission has ready access to information concerning these persons and their U.S. securities activities.

It is estimated that approximately 2,000 respondents will incur an average burden of three hours per year to comply with this rule, for a total burden of 6,000 hours. The average cost per hour is approximately $100. Therefore, the total cost of compliance for the respondents is $600,000.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing on or before May 1, 1998.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 23, 1998.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5253 Filed 2–27–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23035; 812–11008]

The Monitor Funds, et al.; Notice of Application

February 24, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under section 17(b) of the Investment Company Act of 1940 (the ''Act'') from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the reorganization of certain series of a registered open-end management investment company into certain series of another registered open-end management investment company.

APPLICANTS: The Monitor Funds (''Monitor Funds''), FMB Funds, Inc. (''FMB Funds''), and The Huntington National Bank (''Bank'').

FILING DATES: The application was filed on February 12, 1998. Applicants have agreed to file an amendment to the application during the notice period, the substance of which is included in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 23, 1998, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: Bank, 41 South High Street, Columbus, Ohio 43287; Monitor Funds and FMB Funds, One Freedom Valley Road, Oaks, Pennsylvania 19456.

FOR FURTHER INFORMATION CONTACT: Joseph B. McDonald, Jr., Senior Counsel, at (202) 942–0533, or Mary Kay Frech, Branch Chief, at (202) 942–0564, (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. 202–942–8090).

Applicants' Representations

1. Monitor Funds, a Massachusetts business trust consisting of eleven series, is an open-end management investment company registered under the Act. Monitor Growth Fund, Monitor Intermediate Government Income Fund, Monitor Michigan Tax-Free Fund and Monitor Money Market Fund (collectively, ''Monitor Portfolios'') are series of Monitor Funds. FMB Funds, a Maryland corporation consisting of four series (''FMB Portfolios''), is an open-end management investment company registered under the Act.

The Bank, a national banking association, is the investment adviser for both Monitor Funds and FMB Funds. As a national banking association, the Bank is not required to register under the Investment Advisers Act of 1940 (''Advisers Act''), pursuant to section 202(a)(11)(A) of the Advisers Act.

2. The Bank, as a fiduciary for its customers, owns of record or controls, or holds with power to vote, 5% or more of the outstanding securities of each of the FMB Portfolios. In addition, the Bank owns more than 5% of the outstanding voting securities of the Monitor Growth Fund and the Monitor Money Market Fund.

3. On December 9, 1997, the board of directors of FMB Funds, including a majority of the disinterested directors, approved and authorized an agreement and plan of reorganization (''Reorganization Agreement'') pursuant to which each of the Monitor Portfolios will acquire a corresponding series of the FMB Portfolios with similar investment objectives. On December 17, 1997, the board of trustees of Monitor Funds, including a majority of the disinterested directors, approved and authorized the Reorganization Agreement. Pursuant to the terms of the Reorganization Agreement, FMB Funds has agreed to sell all of the assets and certain stated liabilities of each FMB Portfolio to a corresponding Monitor Portfolio in exchange for shares of that Monitor Portfolio (''Reorganization''). The number of shares of each class of the Monitor Portfolio to be issued in exchange for each FMB Portfolio share of each class will be determined by dividing the net asset value of the Monitor Portfolio share of the appropriate corresponding class by the net asset value of one FMB Portfolio share of such class.

4. Holders of Institutional Shares of the FMB Portfolios will receive Trust Shares of the corresponding Monitor Portfolio and holders of Consumer Service Shares will receive Investment Shares of the corresponding Monitor Portfolios. Each class of shares of the Monitor Portfolios has distribution-related fees, if any, which are equal to or less than the distribution-related fees of the shares of the corresponding class of the FMB Portfolio held prior to the Reorganization. No sales charge will be imposed in connection with Investment Shares of the Monitor Portfolio received by FMB Portfolio shareholders in the Reorganization.

5. The investment objective of each FMB Portfolio and its corresponding Monitor Portfolio are substantially equivalent. The investment policies and restrictions of each FMB Portfolio and its corresponding Monitor Portfolio are substantially similar, but in some cases involve differences that reflect the differences in the general investment strategies utilized by the Monitor Funds.

6. The boards of directors/trustees (the ''Boards'') of the Monitor Funds and the FMB Funds approved the Reorganization as in the best interests of existing shareholders and determined that the interests of existing shareholders will not be diluted as a result of the Reorganization. The Bank will be responsible for the expenses incurred in connection with the Reorganization.

7. The Board of FMB Funds considered a number of factors in authorizing the Reorganization, including: (a) the investment advisory and other fees paid by the Monitor Portfolios and the lower historical and projected expense ratios of the Monitor Portfolios as compared to the historical expense ratios of the FMB Portfolio; (b) the potential economies of scale that may result from the Reorganization and the potential related cost-savings; (c) the historical investment performance records of the Monitor Portfolios and the FMB Portfolios; (d) the sales load structure applicable to the Investment Shares of the Monitor Portfolios as compared to the higher sales load structure of the Consumer Service Shares of FMB Portfolios; (e) the greater number of investment portfolio options that would be available to shareholders of FMB Portfolios after the Reorganization due to the exchange privileges available within the family of Monitor Funds; (f) the fact that the Reorganization will constitute a tax-free reorganization and that the interests of shareholders will not be diluted as a result of the Reorganization; and (g) the Bank's agreement to pay all expenses in connection with the Reorganization.

8. The Reorganization is subject to a number of conditions precedent, including requirements that: (a) the Reorganization Agreement has been approved by the shareholders of each FMB Portfolio; (b) the FMB Funds and the Monitor Funds have received opinions of counsel stating, among other things, that the Reorganization will constitute a ''reorganization'' under section 368 of the Internal Revenue Code of 1986, as amended, and, as a consequence, the Reorganization will not result in federal income taxes for the FMB Funds or their shareholders; and (c) the FMB Portfolios and the Monitor Portfolios have received from the SEC an order exempting the Reorganization from the provisions of the Act as requested in the application. Applicants agree not to make any material changes to the proposed Reorganization that affect the applicant without prior SEC approval.

Applicants' Legal Analysis

1. Section 17(a) of the Act provides that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, knowingly: (a) to sell any security or other property to such registered company; or (b) to purchase from such registered company any security or other property. Section 2(a)(3) of the Act defines the term ''affiliated person'' of another person to include: (a) any person owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of such other person; (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (c) any person controlling, controlled by, or under common control with, such other person; and (d) if such other person is an investment company, any investment adviser of the person.

2. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) of the Act mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions are satisfied. Applicants believe that the proposed transactions may not be exempt under rule 17a–8 because the Monitor Funds and FMB Funds may be affiliated for reasons other than those set forth in the rule. The FMB Portfolios may be affiliated persons of the Bank because the Bank, as fiduciary for its customers, owns of record or controls or holds with the power to vote 5% or more of the outstanding securities of each FMB Portfolio. The Bank, in turn, is an affiliated person of the Monitor Portfolios because the Bank serves as investment adviser to the Monitor Funds and also owns more than 5% of the outstanding voting shares of Monitor Growth Fund and Monitor Money Market Fund. Consequently, applicants are requesting an order pursuant to section 17(b) of the Act exempting them from section 17(a) to the extent necessary to complete the Reorganization.

3. Section 17(b) of the Act provides that the SEC may exempt a transaction from section 17(a) of the Act if evidence establishes that (a) the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policy of each registered investment company concerned; and (c) the proposed transaction is consistent with the general purposes of the Act.

4. Applicants submit that the Reorganization satisfies the provisions of section 17(b) of the Act. The Boards, including the independent directors/trustees, have determined that the Reorganization is in the best interests of the shareholders of the Monitor Funds and the FMB Funds. In approving the Reorganization Agreement, the Boards considered: (a) that the interests of shareholders will not be diluted; (b) that the Funds' investment objectives and policies are generally substantially identical; (c) that no sales charges will be imposed; (d) that the conditions and policies of rule 17a–8 will be followed; and (e) that no overreaching by any affiliated person is occurring.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5205 Filed 2–27–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39694; File No. SR–EMCC–98–01]

Self-Regulatory Organizations; Emerging Markets Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Offering of Shares of Common Stock

February 24, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] notice is hereby give that on February 18, 1998, the Emerging Markets Clearing Corporation (''EMCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–EMCC–98–01) as described in Items I and II below, which items have been prepared primarily by EMCC. The commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to grant accelerated approval of the proposal.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change relates to the sale of common stock of EMCC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, EMCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments that it received on the proposed rule change. The text of these statements may be examined at the

[1] 15 U.S.C. 78s(b)(1).

places specified in Item IV below. EMCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organizations's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On May 30, 1997, EMCC filed with the Commission an application on Form CA–1 for registration as a clearing agency. On February 13, 1998, the Commission approved EMCC's application for registration (''registration order'').[3] As described in the registration order, EMCC is owned by the International Securities Markets Association (''ISMA''), the National Securities Clearing Corporation (''NSCC''), and the Emerging Markets Traders Association (''EMTA''). The registration order noted EMCC's intention to issue shares to those entities that have participated in an contributed to EMCC's development fund to finance EMCC's initial operations (''general shareholders'') EMCC has determined to issue these shares at the present time so that funds will be available to pay expenses related to its development. The purpose of this proposed rule change is to obtain authorization for the share issuance.[4] After the issuance and sale of these EMCC shares, no entity will be qualified to become EMCC member unless, in addition to satisfying the other criteria for membership set forth in the rules, such applicant becomes a shareholder of EMCC (participant shareholder'') or an affiliate of a shareholder of EMCC.

Each shareholder, both general and participant, will be required to sign the shareholder agreement, which sets forth provisions regarding the election of directors, restrictions on issuance and transfer of shares, and voting requirements.[5] The shareholder agreement provides that no dividends will be paid on the shares. Pursuant to the shareholder agreement, shareholders may sell or may transfer their shares only in compliance with the shareholder agreement. There is a fixed price of $5,000 per share for the issuance, sale, or transfer of EMCC shares by a participant shareholderS although no assurance is given that a transferee will be available to purchase EMCC shares at the time of any proposed transfer. Any sale or transfer by a participant shareholder may only be to entities that are already general or participant shareholder of EMCC and that agree to execute the shareholder agreement. In addition, any such sale may only occur if prior to such sale or transfer EMCC receives a legal opinion, in a form acceptable to it, to the effect that such sale or transfer is exempt under the Securities Act of 1933.[6]

As described in the registration order, EMCC's board of directors is classified into four classes. The first three classes are each composed of five participant directors. Only officers or partners of a participant shareholder or of an affiliate or subsidiary of a participant shareholder are eligible to serve as a participant director. Shareholders are obligated to vote their shares for participant directors selected by the nominating committee if no participant nominees are submitted or for the participant directors selected by a vote of the participants if there is a contested election. The fourth class of directors (''Class IV'') consists of one EMTA director, one ISMA director, two NSCC directors, and two directors selected by the EMCC board. Shareholders are required to vote their shares to elect the directors selected by ISMA, EMTA, NSCC, and EMCC's board.

Except upon written agreement of the holders of two-thirds of the outstanding EMCC shares, shareholders may not vote (1) to amend or change the EMCC certificate of incorporation, the by-laws of EMCC, or the shareholder agreement or (2) to repurchase or to issue any EMCC shares. However, if directed by a board resolution, shareholders must vote (1) to amend or change the certificate of incorporation relating to the establishment of a greater than majority requirement of quorum and voting at meetings of the board of directors, the establishment of a cumulative voting system for the election of directors, the classification of directors, shareholder rights to fix consideration for no par shares, shareholder rights to fix compensation of directors, and shareholder rights to elect and to remove officers and (2) to adopt, to amend, or to repeal any by-law except those which the board is prohibited from adopting, amending, or repealing pursuant to the by-laws. Shareholders may not vote to change the manner in which a Class IV director is elected or to reduce the number of Class IV directors except with the unanimous consent of ISMA, EMTA, and NSCC.

In conjunction with this issuance of shares, EMCC is amending its articles of incorporation in order to permit certain actions to be taken upon a two-thirds vote of the shareholders rather than upon unanimous vote. A two-thirds vote will be required for: (1) any amendment or change of the certificate of incorporation; (2) any adoption, amendment, or repeal by the shareholders of by-laws of EMCC; (3) any repurchase of any securities issued by EMCC; and (4) any issuance of any securities by EMCC.

EMCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and specifically with the fair representation requirement of Section 17A(b)(3)(C).

(B) Self-Regulatory Organization's Statement on Burden on Competition

EMCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. EMCC will notify the Commission of any written comments received by EMCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(C) of the Act requires that the rules of a clearing agency assure the fair representation of its shareholders or members and participants in the selection of its directors.[7] The Commission believes that EMCC's proposal is consistent with its obligations under the Act. EMCC's procedures for the election of directors, which the Commission approved in the registration order, provides that other than Class IV directors only participant shareholders may serve on the board of directors. The rule change allows for participants to become shareholders and thus enhance their ability to participate in the governance of EMCC. Therefore, the Commission believes that EMCC's proposal is consistent with its obligations to assure the fair representation of participants.

EMCC has requested that the Commission find good cause for

[2] The Commission has modified the text of the summaries submitted by EMCC.

[3] Securities Exchange Act Release No. 39661 (February 13, 1998), 62 FR 8711 (order granting temporary registration as a clearing agency).

[4] The thirty entities that will receive shares in this issuance are listed on Exhibit A, Annex 1 to EMCC's rule filing. All of these entities are either U.S. broker-dealers, U.K. broker-dealers, U.S. banks, or non-U.S. banks.

[5] A vote of eighty percent of the outstanding shares is required to terminate the shareholder agreement.

[6] 15 U.S.C. 77a.

[7] 15 U.S.C. 78q–1(b)(3)(C).

approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice because it will permit EMCC to proceed with its issuance of shares to general shareholders scheduled for February 24, 1998.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of EMCC. All submissions should refer to the file number SR–EMCC–98–01 and should be submitted by March 23, 1998.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–EMCC–98–01) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5254 Filed 2–27–98; 8:45 am]

BILLING CODE 8010–01–M

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39696; File No. 600–23]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Approving Application for Extension of Temporary Registration as a Clearing Agency

February 24, 1998.

Pursuant to Sections 17A and 19(a) of the Securities Exchange Act of 1934 (''Act''),[1] on October 2, 1997, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') an application requesting that the Commission grant GSCC full registration as a clearing agency or in the alternative extend GSCC's temporary registration as a clearing agency until such time as the Commission is able to grant GSCC permanent registration.[2] Notice of GSCC's request for permanent registration or for extension of temporary registration appeared in the **Federal Register** on January 15, 1998.[3] No comments were received. This order extends GSCC's registration as a clearing agency until February 28, 1999.

On May 24, 1988, the Commission approved pursuant to Sections 17A and 19(a) of the Act and Rule 17Ab2–1(c) promulgated thereunder[4] the application of GSCC for registration as a clearing agency for a period of three years.[5] The Commission subsequently has extended GSCC's registration until February 28, 1998.[6]

GSCC provides clearance and settlement services for its members' transactions in government securities. GSCC offers its members services for next-day settling trades, forward settling trades, auction takedown activity, and repurchase agreement transactions. In connection with GSCC's clearance and settlement services, GSCC provides a centralized loss allocation procedure and maintains margin to offset netting and settlement risks.

At the time of GSCC's initial registration, the Commission granted GSCC exemptions from the financial responsibility and operational capability standards of Sections 17A(b)(3)(B) and 17A(b)(4)(B) of the Act and from the fair representation requirements of Section 17A(b)(3)(C) of the Act.[7] The Commission has since determined that GSCC is in compliance with these sections and has eliminated the exemption.[8] In the order initially granting GSCC temporary registration, the Commission also discussed the need for GSCC to amend its standard of care with respect to functions affecting the settlement of government securities.

The Commission believes that several issues need to be resolved prior to GSCC obtaining permanent registration. In particular, the Commission is reviewing the appropriate standard(s) of liability of a clearing agency to its members. Therefore, the Commission believes that GSCC's temporary registration should be extended for an additional twelve months.[9]

It is therefore ordered that GSCC's temporary registration as a clearing agency be and hereby is extended through February 28, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5255 Filed 2–27–98; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78q–1, 78s(a).

[2] Letter from Sal Ricca, President and Chief Operating Officer, GSCC (September 25, 1997).

[3] Securities Exchange Act Release No. 39526 (January 8, 1998), 63 FR 2435.

[4] 17 CFR 240.17Ab2–1(c).

[5] Securities Exchange Act Release No. 25740 (May 24, 1988), 53 FR 19839.

[6] Securities Exchange Act Release Nos. 29067 (April 22, 1991), 56 FR 14542; 32385 (June 3, 1993), 58 FR 32405; 35787 (May 31, 1995), 60 FR 30324; 36508 (November 27, 1995), 60 FR 61719; 37983 (November 25, 1996), 61 FR 64183; and 39698 (May 30, 1997), 62 FR 30911.

[7] 15 U.S.C. 78q–1(b)(3)(B), 78q–1(b)(4)(B), and 78q–1(b)(3)(C).

[8] Securities Exchange Act Release Nos. 36508 (November 27, 1995), 60 FR 61719 (order extending registration as a clearing agency) and 39372 (November 28, 1997), 62 FR 64415 (order approving GSCC's procedures for election of directors).

[9] The Commission expects to continue to process GSCC's request for permanent registration during this temporary registration period.

[10] 17 CFR 200.30–3(a)(50)(i).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted on or before May 1, 1998.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S. W., Suite 5000, Washington,

D. C. 20416. Phone Number: 202–205–6629.

SUPPLEMENTARY INFORMATION:

Title: ''HUBZone Program Application''.

Type of Request: New Collection.

Form No: N/A.

Description of Respondents: SBA Businesses Seeking Certification as a Qualified HUBZone Small Business Concern.

Annual Responses: 20,000.

Annual Burden: 20,000.

Comments: Send all comments regarding this information collection to Michael McHale, Office of Procurement Policy and Liaison, Small Business Administration, 409 3rd Street, S.W., Suite 8800, Washington, D.C. 20416. Phone No:202–205–6731. Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Dated: February 23, 1998.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 98–5222 Filed 2–27–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3057]

State of California

As a result of the President's major disaster declaration on February 9, 1998, I find that the following counties in the State of California constitute a disaster area due to damages caused by severe winter storms and flooding beginning on February 2, 1998 and continuing:

Alameda, Butte, Calaveras, Colusa, Contra Costa, Glenn, Humboldt, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, Sutter, Tehama, Ventura, Yolo, and Yuba. Applications for loans for physical damages may be filed until the close of business on April 10, 1998, and for loans for economic injury until the close of business on November 9, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in the State of California may be filed until the specified date at the above location: Amador, Alpine, Del Norte, Fresno, Kern, Kings, Los Angeles, Madera, ariposa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Trinity, and Tuolumne.

The interest rates are:

	Percent
Physical Damage:	
HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE	7.250
HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE	3.625
BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE	8.000
BUSINESSES AND NON-PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000
OTHERS (INCLUDING NON-PROFIT ORGANIZATIONS) WITH CREDIT AVAILABLE ELSEWHERE	7.125
For Economic Injury	
BUSINESSES AND SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000

The numbers assigned to this disaster are 305706 for physical damage and 974100 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 12, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–5327 Filed 2–27–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3058]

State of Florida

As a result of the President's major disaster declaration on February 12, 1998, I find that Broward, Dade, and Monroe Counties in the State of Florida constitute a disaster area due to damages caused by severe storms, high winds, tornadoes, and flooding which occurred on February 2–4, 1998. Applications for loans for physical damages may be filed until the close of business on April 13, 1998, and for loans for economic injury until the close of business on November 12, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Collier, Hendry, and Palm Beach in the State of Florida may be filed until the specified date at the above location.

The interest rates are:

	Percent
Physical damage:	
Homeowners with credit available elsewhere	7.250
Homeowners without credit available elsewhere	3.625
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 305812 and for economic injury the number is 974900.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 18, 1998.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 98–5326 Filed 2–27–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3059]

Louisiana (and Contiguous Counties in Texas)

DeSoto Parish and the contiguous Parishes of Caddo, Natchitoches, Red River, and Sabine in the State of Louisiana, and Panola and Shelby Counties in the State of Texas constitute a disaster area as a result of damages caused by severe thunderstorms, wind, and rain which occurred on February 10, 1998. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 23, 1998 and for economic injury until the close of business on November 20, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 76155.

The interest rates are:

	Percent
For physical damage:	
Homeowners with credit available elsewhere	7.250

	Percent
Homeowners without credit available elsewhere	3.625
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster for physical damage are 305911 for Louisiana and 306011 for Texas. For economic injury the numbers are 975200 for Louisiana and 975300 for Texas.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 20, 1998.

John T. Spotila,

Acting Administrator.

[FR Doc. 98–5325 Filed 2–27–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster § 3053]

State of North Carolina

In accordance with a notice from the Federal Emergency Management Agency dated February 4, 1998, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as beginning on January 7, 1998 and continuing. The incident period which was closed effective January 21, 1998 is now reopened to allow for additional damage resulting from continuing severe storms.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is March 16, 1998 and for economic injury the deadline is October 15, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 9, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–5328 Filed 2–27–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3049, Amdt. 2]

State of Tennessee

In accordance with notices from the Federal Emergency Management Agency dated January 5, 1998, the above-numbered Declaration is hereby amended to include Johnson and Unicoi Counties in the State of Tennessee as a disaster area due to damages caused by severe storms and flooding, and to establish the incident period for this disaster as beginning on January 6, 1998 and continuing. The incident period which was closed effective January 21, 1998 is now reopened to allow for additional damage resulting from continuing severe storms.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Greene County, Tennessee, Ashe and Madison Counties in North Carolina, and Grayson and Washington Counties in Virginia. Any counties contiguous to the above-named primary counties and not listed herein have been previously declared under a separate declaration for the same occurrence.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is March 13, 1998 and for economic injury the termination date is October 13, 1998.

The economic injury number for the State of Virginia is 974000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 6, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–5329 Filed 2–27–98; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Request for Reinstatement Without Change of a Previously Approved Collection for Which Approval Has Expired

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) this notice announces the Department of Transportation's (DOT) intention to request an extension for and revision to a currently approved information collection.

DATES: Comments on this notice must be received by May 1, 1998.

ADDRESSES: Comments should be sent to the Deputy Assistant General Counsel for Regulation and Enforcement, Office of the Secretary, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590–0002.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Ashby, Office of the Secretary, Office of Assistant General Counsel for Regulation and Enforcement, Department of Transportation, at the address above. Telephone: (202) 366–9306.

SUPPLEMENTARY INFORMATION:

Title: Report of DBE Awards and Commitments.

OMB Control Number: 2105–0510.

Expiration Date: (Not Applicable).

Type of Request: Extension for and revision to a currently approved information collection.

Abstract: 49 CFR part 23 establishes requirements for the Department of Transportation (DOT) so as to comply with the mandates of the Intermodal Surface Transportation and Efficiency Act (ISTEA) of 1991 (Pub. L. 102–240, December 18, 1991). 49 CFR part 23.49(a) requires that DOT and its Operating Administrations develop a recordkeeping system to monitor, assess and identify contract awards and progress in achieving DBE subcontract goals. In addition, Pub. L. 102–240 section 1003(b) requires that each state annually survey and compile a list of small business concerns and the location of such concerns, and notify the Secretary of Transportation of the percentage of such concerns controlled by women and by socially and economically disadvantaged individuals other than women. If these reporting requirements were not available, firms controlled by minorities would not achieve the fullest possible participation in DOT programs, and the Department would not be able to identify its recipients and evaluate the extent to which financial assistance recipients have been awarded a reasonable amount.

In order to minimize the burden on DOT recipients the Department has limited its informational request and reporting frequency to that necessary to meet its program and administrative monitoring requirements. The informational request consists of 17 data items on one page and one attachment, to be completed on an annual, semi-annual or quarterly basis. It is the overall long range objective of DOT to permit all DOT recipients to report on a yearly basis depending upon their past experience in meeting their goals.

Respondents: DOT financially-assisted state and local transportation agencies.

Estimated Number of Respondents: 1,057.

Average Annual Burden per Respondent: 1 hour.

Estimated Total Burden on Respondents: 20,824 hours (Including 19,026 hours for recordkeeping)

This information collection is available for inspection at the office of Assistant General Counsel for Regulation and Enforcement (C–50), Office of the General Counsel, DOT, at the address above. Copies of 49 CFR part 23 can be obtained from Mr. Robert C. Ashby at the address and telephone number shown above.

Comments are Invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC, on February 24, 1998.

Neil R. Eisner,

Assistant General Counsel for Regulation and Enforcement.

[FR Doc. 98–5260 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection(ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 23, 1997, (62 FR 67107).

DATES: Comments must be submitted on or before April 1, 1998.

FOR FURTHER INFORMATION CONTACT: Judith Street, ABC–100; Federal Aviation Administration; 800 Independence Avenue, SW.; Washington, DC 20591; Telephone number (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Federal Aviation Administration, Flight Standards Customer Satisfaction Survey.

OMB Control Number: 2120–0568.

Type of Request: Revision of a currently approved collection.

Affected Public: A combination of approximately 53,625 airmen, air operators, or air agencies are expected to respond.

Abstract: The need is for the Flight Standards Service to survey customers in keeping with our strategic initiative to improve the quality of our service by anticipating customer needs and responding to the public interest. The action of conducting customer satisfaction surveys is consistent with, and mandated by, such executive and federal level issuances as the September 1993 Presidential Executive Order, Vice President Gore's Report of the National Performance Review, and the FAA's Strategic Plan. The completion of this survey is voluntary. No assurance of confidentiality is provided as the respondents are not asked to reveal information about themselves, except if they wish to do so voluntarily in the comments section. Additionally, we are stating in the questionnaires themselves that any names or identifying information will be redacted by the contractor before a list of comments is turned over to the FAA.

Annual Estimated Burden Hours: 12,741 hours.

Addresses: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments Are Invited On

Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on February 23, 1998.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–5273 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 28, 1997 (62 FR 45694–45695).

DATES: Comments must be submitted on or before April 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. James D. McCauley, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Federal Highway Administration (FHWA)

Title: Motor Carrier Safety Assistance Program (MCSAP).

OMB Number: 2125–0536.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Affected Public: State MCSAP lead agencies.

Abstract: Sections 401–404 of the Surface Transportation Assistance Act of 1982 (STAA) established a program of financial assistance to the States' implementation of programs for the enforcement of (a) Federal rules, regulations, standards, and orders applicable to commercial motor vehicle

safety and (b) compatible State rules, regulations, standards, and orders. This grant-in-aid program is known as the Motor Carrier Safety Assistance Program (MCSAP). The Intermodal Surface Transportation Safety Act of 1991 (ISTEA) added programs, such as drug interdiction, traffic enforcement, and size and weight activities to the core program established by the STAA. Pursuant to the STAA, in order to qualify for a grant, participating States must submit a plan which is adequate to promote the objectives of Section 402 and meet a number of specified requirements. Section 402(c) of the STAA requires that the Secretary, on the basis of reports submitted by the State agency and the Secretary's own inspections make a continuing evaluation of the manner in which each State is carrying out its approved plan. This provision is implemented in 49 CFR 350.19 and Appendix B, paragraph G. In order for the Secretary (i.e. Federal Highway Administration) to make this evaluation, it is necessary for the State to provide and/or maintain information concerning past, present, and future enforcement activity. The application by a State for a grant must contain the information required by 49 CFR 350.9 or 350.11, 250.13 and 250.15. This information is necessary to enable the FHWA to determine whether a State meets the statutory and administrative criteria to be eligible for a grant. It is necessary that a State's work activities and accomplishments be reported so that FHWA may monitor and evaluate a State's progress under its approved plan and make the determinations and decisions required of 49 CFR 350.19, 350.23, and 350.25.

Estimated Total Annual Burden: 14,498 hours.

Addresses: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention FHWA Desk Officer. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on February 20, 1998.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–5279 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–98–3553]

Marine Transportation System: Waterways, Ports, and their Intermodal Connections

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting; request for comments.

SUMMARY: The Coast Guard and the Maritime Administration, together with several other federal agencies, are holding seven two-day regional listening sessions to receive information concerning the current state and future needs of the U.S. marine transportation system—the waterways, ports, and their intermodal connections. These listening sessions are a first step in developing a customer-based strategy to work together to ensure waterways, ports, and their intermodal connections meet user and public expectations for the 21st century. The information provided at the regional listening sessions will be presented at a national conference in the fall of 1998.

DATES: The meeting in New Orleans, LA will be on March 31, 1998, from 9 a.m. to 3 p.m.

ADDRESSES: The meeting in New Orleans, LA will be held at the Port of New Orleans, 1320 Port of New Orleans Place, New Orleans, LA 70130.

You may mail comments to the Docket Management Facility, (USCG–1998–3553), U.S. Department of Transportation (DOT), 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except holidays.

The Docket Management Facility maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also electronically access the public docket for this notice on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, contact Carol Kelley, Coast Guard Dockets Team Leader or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202–366–9329; for information concerning the notice of meeting contact Joyce Short, U.S. Coast Guard (G–M–2), 2100 Second St., SW, Washington, DC 20593–0001, telephone 202–267–6164.

SUPPLEMENTARY INFORMATION:

Other Regional Listening Sessions

This notice announces the first of seven two-day regional listening sessions. Other sessions are being planned for Portland, OR; Oakland, CA; St. Louis, MO; Cleveland, OH; New York, NY; and Charleston,SC. The dates and locations of these sessions will be published in a separate **Federal Register** notice.

Request for Comments

We encourage interested persons to participate in this information-gathering initiative by submitting written data, views, or other relevant documents. Persons submitting comments should include their names and addresses, identify this notice (USCG–1998–3553), and the reasons for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ x 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES.** If you want acknowledgment of receipt of your comments, enclose a stamped, self-addressed post card or envelope.

Comments received, whether submitted in writing to the docket, or presented during the regional listening sessions, will be considered in preparing the agenda of a national conference in the fall 1998.

Background

The marine transportation system includes waterways, ports, and their intermodal connections with highways, railways, and pipelines. The marine transportation system links the United States to overseas markets and is important to national security interests. Excluding Mexico and Canada, over 95% of U.S. foreign trade by tonnage is shipped by sea, and 14% of U.S. inter-city freight is transported by water.

Forecasts show that U.S. foreign ocean borne trade is expected to more than double by the year 2020; and commuter ferries, recreational boating and other recreational uses of the waterway are expected to increase,

placing even greater demands on the marine transportation system.

Many federal agencies, state and local governments, port authorities, and the private sector share responsibility for the marine transportation system. The economic, safety, and environmental implications of aging infrastructure, inadequate channels, and congested intermodal connections will become more critical as marine traffic volume increases.

To meet these challenges, the Department of Transportation is pursuing the development of a customer-based strategy, in partnership with others responsible for waterways, ports, and their intermodal connections. The strategy will be aligned with the principles of the National Performance Review, will provide better delivery of Federal services, and provide a means to improve the nation's waterways, ports, and their intermodal connections to meet user needs and public expectations for the 21st century.

The regional listening sessions will build upon information from other Department of Transportation-led outreach activities that identified issues of significance to the marine transportation system. For example, in 1997 workshops addressed the impact of larger container ships; in 1994 outreach sessions led to an action plan to improve the dredging process in the United States; and in 1993 port visits identified land-side intermodal access impediments.

The Secretary of the Department of Transportation will host a national conference in the fall of 1998. That conference will address key issues raised by the regional listening sessions and written comments. The purpose of the national conference will be to address these issues, develop solutions, and explore potential strategies to implement these solutions. The conference will also develop a vision for an improved and more cooperative approach to the delivery of Federal services.

Objective and Issues

The objective of these regional listening sessions and the request for comments is to receive information from the general public and user perspective to identify concerns about the current state and future needs of our waterways, ports, and their intermodal connections. We need to identify the most critical issues that should be addressed to meet the challenges likely to be faced by our marine transportation system. We particularly need to identify those areas where the Federal government should improve existing services or provide future assistance in addressing these issues.

We specifically are interested in information on the following questions for each component of the marine transportation system: waterways, the ports, and their intermodal connections:

- Currently, what elements work best in your region and why?
- Currently, what are the most significant problems in your region?
- What are the obstacles to resolving these problems?
- What is your vision of a marine transportation system that will accommodate the growing and competing demands of the future?
- What changes, additions, and types of assistance are needed to achieve your vision?

Format of Regional Listening Sessions

The first day of each regional listening session will be an open forum to receive views and opinions from the public concerning the current state and future needs of our waterways, ports and their intermodal connections. Persons wishing to make oral presentations should notify the person listed under **FOR FURTHER INFORMATION CONTACT** no later than the day before the meeting. Written material may be submitted before, during, or after the meeting. Speakers are encouraged to provide a written copy of their comments since time limits may be needed to accommodate all speakers, and summary notes will be made of oral comments.

The second day of each regional listening session will be a structured focus group format. A representative cross section from the region's ports, terminals, stevedores, pilots, vessel operators, railroads, truckers, environmental community, and others will be selected to provide expert views on the current state and future needs of our marine transportation system.

A summary of each regional listening will be placed in the public docket and will be available for public review and comment.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the person under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Dated: February 25, 1998.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–5296 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–14–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Aircraft Certification Procedures Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss Aircraft Certification Procedures Issues.

DATES: The meeting will be held on March 19, 1998 from 9:00 a.m. to 12:00 noon.

ADDRESSES: The meeting will be held at the General Aviation Manufacturers Association, 1400 K Street NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Angela O. Anderson, (202) 267–9681, Office of Rulemaking (ARM–200), 800 Independence Avenue, SW, Washington, DC 20591.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee (ARAC) to discuss aircraft certification procedures issues. This meeting will be held March 19, 1998, at 9:00 a.m., at the General Aviation Manufacturers Association. The agenda for this meeting will include progress reports from the Production Certification and Parts Manufacturing Working Group, the Delegation Working Group and the ICPTF Working Group.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present statements to the committee at any time. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the

heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on February 25, 1998.

Brian A. Yanez,

Assistant Executive Director for Aircraft Certification Procedures Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 98–5294 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Ontario International Airport, Ontario, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Ontario International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Administration (14 CFR Part 158).

DATES: Comments must be received on or before April 1, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3024, Lawndale, CA 90261

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Gerald K. Lee, Deputy Executive Director at the following address, Los Angeles World Airports, 1 World Way, Los Angeles, CA 90045–5803.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Los Angeles World Airports under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. John Milligan, Supervisor, Standards Section, Airports Division, Federal Aviation Administration, 15000 Aviation Blvd., Room 3024, Lawndale, CA 90261, Telephone (310) 725–3621. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Ontario International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 28, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Los Angeles World Airports was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 29, 1998.

The following is a brief overview of the application.

PFC application number: PFC No. 97–03–C–00–ONT.

Level of proposed PFC: $3.00.

Proposed charge effective date: July 1, 1998.

Proposed charged expiration date: January 1, 2003.

Total estimated PFC revenue: $45,680,000.

Brief description of the proposed projects: Project 1—Land acquisition for development consisting of three (3) parcels (approximately 216.3 acres); Project 2—Noise mitigation, including soundproofing of residences and land acquisition for noise compatibility.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Part 135 Air Taxi Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.** In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Los Angeles World Airports.

Issued in Los Angeles, California, on February 12, 1998.

Ellsworth L. Chan,

Acting Manager, Airports Division, Western-Pacific Region.

[FR Doc. 98–5200 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Tarrant County, Texas

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing a Notice of Intent (NOI) to advise the public that the scope of the environmental impact statement (EIS) for the proposed State Highway 199 project (S.H. 199) in Tarrant County, Texas, will be revised. The project was initially planned to be studied in a single EIS. A NOI was published in the March 18, 1987, **Federal Register**. After preliminary environmental analysis it was determined that the project should be separated into two project segments, each with independent utility, logical termini, and which did not restrict future transportation considerations. Accordingly, a second NOI was published December 28, 1989, addressing the need to revise the scope of the proposed project and the environmental classification. This third NOI will further revise the scope of the proposed project and environmental classification. This revision will result in two separate project segments, each with independent utility, logical termini, and which do not restrict future transportation considerations. For the third revision one segment is from FM 1886 easterly to IH 820 and the other from IH 820 easterly to proposed SH 121. The project for which an EIS is being prepared extends from proposed S.H. 121 westerly to I.H. 820.

FOR FURTHER INFORMATION CONTACT: Walter C. Waidelich, District Engineer, Federal Highway Administration, 826 Federal Office Building, 300 E. 8th Street, Austin, Texas 78701, Telephone (512) 916–5988.

SUPPLEMENTARY INFORMATION: The limits for the original NOI were between the proposed S.H. 121 interchange near the Fort Worth Central Business District (CBD) to Spur 344 in Azle. A NOI, published December 28, 1989, was for revising the scope of the proposed project and environmental classification. The segment from the proposed S.H. 121 interchange northwesterly to F.M. 1886 remained an EIS. The segment from F.M. 1886 northwesterly to Azle was approved with a Finding of No Significant Impact. However, the environmental studies in progress have found that impacts will not be significant within the section of S.H. 199 from I.H. 820 to F.M. 1886 and the project scope should be further revised into two project segments. Therefore, the FHWA, in cooperation with the Texas Department of Transportation (TxDOT), will continue the environmental analysis and prepare separate environmental documents for the improvements to S.H. 199. The limits of the first project from the proposed S.H. 121 interchange to I.H.

820 will be evaluated and an EIS will be prepared. The EIS process was selected because the proposed project lies primarily within a densely developed urban area. This area has the potential for greater social, economic, and environmental impacts than any other section. Alternate routes for development along with public consensus for the preferred alignment alternative will be addressed in the EIS. This highway portion connects the Forth Worth CBD with the Cities of River Oaks, Samson Park, and Lake Worth in northwestern Tarrant County. It will provide residents and businesses of these cities with improved travel within the corridor. An Environmental Assessment will be prepared for the second project from I.H. 820 to F.M. 1886.

The proposed facility will be a six to eight lane divided freeway with auxiliary lanes where needed. The project will include frontage road construction and there will be full control of access along the length of the facility. Right of way will vary between 73 and 137 meters (240 and 450 feet). All existing at-grade crossings will be eliminated and grade separations or interchanges will be constructed at major thoroughfares.

S.H. 199 is currently a basic 4 lane urban expressway with limited access control and is the principal transportation facility in northwest Tarrant County. No other parallel freeways or principal artery exists within the S.H. 199 corridor. Committed congestion reduction strategies for the S.H. 199 corridor consist of the regional Transportation Demand Management Program that includes Employee Trip Reduction programs and area-wide ridesharing. All reasonable existing and future alternate modes of transportation available to the corridor will not sufficiently lower the projected 2016 traffic volume to the desired level of service. The proposed expansion will safely and efficiently provide for the mobility needs of the area. A project concept conference with local officials was held April 7, 1987. In 1987, two public meetings were held to discuss alternate routes for the proposed project. A third public meeting was held in 1988.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and the EIS should be directed to the FHWA at the address provided.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

David L. Gibbs,

Acting Division Administrator, Austin, Texas.

[FR Doc. 98–4934 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waivers of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The petition is described below, including the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Long Island Rail Road

[FRA Docket Number LI–95–1]

The Long Island Rail Road (LIRR) seeks to extend a previously granted temporary waiver of compliance with certain provisions of the Locomotive Safety Standards (49 CFR 229). LIRR is seeking relief from the requirements of § 229.135 that all trains operating over 30 mph shall be equipped with an event recorder by May 5, 1995. LIRR requests the compliance date be extended to December 31, 1999. The railroad states they have experienced numerous problems with test units designed for their MU locomotive fleet and this has caused significant delays in installations of the event recorders.

Metro-North Railroad

[FRA Docket Number LI–94–10]

The Metro-North Railroad (MNCW) seeks to extend a previously granted temporary waiver of compliance with certain provisions of the Locomotive Safety Standards (49 CFR 229). MNCW is seeking relief from the requirements of § 229.135 that all trains operating over 30 mph shall be equipped with an event recorder by May 5, 1995. MNCW requests the compliance date be extended to December 31, 1999. The railroad states they have experienced numerous problems with test units designed for their MU locomotive fleet and this has caused significant delays in installations of the event recorders.

Interested parties are invited to participate in these proceedings by submitting written reviews, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number LI–95–1 and LI–94–10), and must be submitted in triplicate to the Docket Clerk, Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days from the publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at FRA's temporary relocation at 1120 Vermont Ave N.W., room 7051, Washington, D.C. 20005.

Issued in Washington, D.C. on February 24, 1998.

Grady C. Cothen,

Deputy Associate Administrator for Safety Standards and Program Development

[FR Doc. 98–5320 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388]

CSX Corporation and CSX Transportation Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements —Conrail, Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board

ACTION: Notice of availability of additional environmental information on the Proposed Conrail Acquisition and Opportunity for public review and comment by those who could be affected by that information.

SUMMARY: On December 12, 1997, the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) issued a Draft Environmental Impact Statement (Draft EIS) for the Proposed Acquisition of Conrail by Norfolk Southern (NS) and CSX.

Comments on the Draft EIS were due February 2, 1998. In its continuing process of evaluation, SEA has identified some additional potential hazardous materials transportation safety, noise, and highway/rail at-grade crossing safety and delay impacts of the Proposed Acquisition. This information was not included in the Draft EIS and is based in part on updated data that was not received until after the Draft EIS was issued. Specifically, (1) on November 24, 1997, CSX advised SEA that it would revise its calculation of the transportation of hazardous materials due to an error in methodology; (2) on December 23, 1997 and February 20, 1998, CSX provided SEA with the revised hazardous materials transportation safety data; and (3) SEA identified sensitive receptors within noise contours using aerial photographs and more precise analytical tools, such as geographic information systems (GIS), that were not available prior to SEA completing the Draft EIS.

SEA's additional analysis has identified four rail line segments with potential hazardous materials transportation safety impacts that SEA did not identify as such in the Draft EIS. In addition, SEA has identified eight rail line segments that now may warrant noise mitigation. Although SEA had identified these segments in the Draft EIS as being potentially affected by noise, SEA did not recommend noise mitigation for them in the Draft EIS. The affected rail line segments and their locations that fall into these two categories include:

Segment description	Affected counties/cities
New Hazardous Material Transport Safety Segments:	
NJ Cabin, KY to Columbus, OH	KY: Greenup County; OH: Franklin, Pickaway, Pike, Ross, and Scioto Counties; Cities of Columbus, Circleville, Chillicothe, and Portsmouth.
CP Newtown Jct., PA to CP Wood, PA	Bucks, Montgomery, and Philadelphia Counties; City of Philadelphia.
CP Wood, PA to Trenton, NJ	PA: Bucks County; NJ: Mercer County; City of Ewing.
Deshler, OH to Toledo, OH	Henry and Wood Counties.
Segments That May Warrant Noise Mitigation:	
Warsaw, IN to Tolleston, IN	Kosciusko, La Porte, Lake, Marshall, Porter, and Starke Counties; Cities of Gary, Hobart, Lake Station, Plymouth, Portage, Valparaiso, and Warsaw.
Sinns, PA to Brownsville, PA	Allegheny, Fayette, and Westmoreland Counties; Cities of Clairton, McKeesport, and Monessen.
Riverton Jct., VA to Roanoke, VA	Augusta, Botetourt, Clarke, Page, Roanoke, Rockbridge, Rockingham, and Warren Counties; Cities of Buena Vista, Roanoke, and Waynesboro.
Corning, NY to Geneva, NY	Chemung, Ontario, Schuyler, Steuben, and Yates Counties; Cities of Corning and Geneva.
Alexandria, IN to Muncie, IN	Delaware and Madison Counties; Cities of Alexandria and Muncie.
Bellevue, OH to Sandusky Dock, OH	Erie and Huron Counties; Cities of Bellevue and Sandusky.
Elmore, WV to Deepwater, WV	Fayette, Raleigh, and Wyoming Counties; Cities of Mullins and Oak Hill.
Deepwater, WV to Fola Mine, WV	Fayette and Nicholas Counties.

As a result of the refined analysis described above, SEA has also concluded that 12 additional rail line segments may have high, adverse and disproportionate effects on minority or low-income communities listed below, as a result of potential effects of hazardous materials transportation safety, noise, and/or highway/rail at-grade crossing safety and delay. These rail line segments and communities include:

Segment description	Affected counties/cities
Potential Impacted Minority and Low-Income Populations:	
Manchester, GA to La Grange, GA	Meriwether and Troup Counties; Cities of La Grange and Manchester.
West Falls, PA to CP Newtown Jct, PA	Philadelphia County; City of Philadelphia.
Bethlehem, PA to Allentown, PA	Lehigh and Northampton Counties; Cities of Allentown and Bethlehem.
Asheville, NC to Leadvale, TN	NC: Buncomb and Madison Counties; City of Asheville; TN: Cocke County; City of Newport.
Frisco, TN to Kingsport, TN	Hawkins and Sullivan Counties; City of Kingsport.
Poe ML, VA to Petersburg, VA	Chesterfield County; Cities of Colonial Heights and Petersburg.
Park Jct., PA to Frankford Jct., PA	Philadelphia County; City of Philadelphia.
Frankford Jct., PA to Camden, NJ	NJ: Camden County; City of Camden; PA: Philadelphia County; City of Philadelphia.
Ashtabula, OH to Buffalo, NY	OH: Ashtabula County; Cities of Ashtabula and Conneaut; PA: Erie County; City of Erie; NY: Chautauqua and Erie Counties; Cities of Buffalo, Dunkirk, and Lackawanna.
PN, NJ to Bayway, NJ	Union County; City of Elizabeth.
Warsaw, IN to Tolleston, IN	Kosciusko, La Porte, Lake, Marshall, Porter, and Starke Counties; Cities of Gary, Hobart, Lake Station, Plymouth, Portage, Valparaiso, and Warsaw.
Alexandria, IN to Muncie, IN	Delaware and Madison Counties; Cities of Alexandria and Muncie.

This new information does not change or alter SEA's prior analysis, results, or preliminary mitigation recommendations in other impact areas, nor does it affect the integrity of the information contained in the Draft EIS. However, to ensure that anyone affected by the results of the refined analysis noted above has the opportunity to review and comment on it, through this notice SEA is providing a limited, 45-day comment period. During this

period, anyone affected by SEA's refined analysis may submit written comments to SEA on the potential environmental effects of that information on their community. Written comments addressing that information must be submitted to SEA no later than April 15, 1998. SEA will consider any timely comments received in the Final EIS, which is scheduled to be issued in late May 1998. The Board will then consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS in making its final decision on the Proposed Conrail Acquisition. The Board will hold an open voting conference on June 8, 1998 and intends to issue its final written decision on July 23, 1998.

Individuals who wish to file a comment may submit one original. However, government agencies and businesses are required to submit an original plus 10 copies.

ADDRESSES: Office of the Secretary, Case Control Unit, Finance Docket No. 33388, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423–0001.

In the lower left-hand corner of the envelope, indicate: Attn: Elaine K. Kaiser, Environmental Project Director, Section of Environmental Analysis, Environmental Filing.

FOR ADDITIONAL INFORMATION: Contact Michael Dalton, SEA Program Manager for the Proposed Conrail Acquisition at (202) 565–1530 [TDD for the hearing impaired: (202) 565–1695]. Information about the Proposed Acquisition and Draft EIS can be found at the web site <http://www.conrailmerger.com> and SEA's toll-free Environmental Hotline at (888) 869–1997.

Issued: March 2, 1998.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 98–5303 Filed 2–27–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

[Treasury Order Number 102–21]

Designation of the Assistant Secretary for Management and Chief Financial Officer as the Chief Operating Officer

Dated: February 23, 1998.

1. By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b), I hereby designate the Assistant Secretary for Management and Chief Financial Officer as the Department's Chief Operating Officer for purposes of the Presidential Memorandum, ''Implementing Management Reform in the Executive Branch,'' dated October 1, 1993.

2. This Order shall expire January 20, 2001.

Robert E. Rubin,

Secretary of the Treasury.

[FR Doc. 98–5208 Filed 2–27–98; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Regulations Governing Payments by the Automated Clearing House method on Account of United States Securities.

DATES: Written comments should be received on or before May 1, 1998, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing Payments by the Automated Clearing House Method on Account of United States Securities.

OMB Number: 1535–0094.

Abstract: The regulations authorize payment to investors in United States securities by the Automated Clearing House (ACH Method).

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals, Businesses or other for-profit, and state or local governments.

Estimated Total Annual Burden Hours: 1.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 24, 1998.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 98–5226 Filed 2–27–98; 8:45 am]

BILLING CODE 4810–39–P

Federal Register

Monday
March 2, 1998

Part II

Department of Health and Human Services

Administration for Children and Families

45 CFR Part 283

Implementation of Section 403(a)(2) of Social Security Act Bonus To Reward Decrease in Illegitimacy; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 283

RIN 0970–AB79

Implementation of Section 403(a)(2) of Social Security Act Bonus To Reward Decrease in Illegitimacy

AGENCY: Administration for Children and Families, HHS.

ACTION: Proposed rule.

SUMMARY: The Administration for Children and Families proposes to issue regulations describing how we will award a bonus to those States that experience the largest decreases in out-of-wedlock childbearing and also reduce their abortion rates. The total amount of the bonus will be $100 million in each of fiscal years 1999 through 2002, and the award for each eligible State in a given year will be $25 million or less.

This incentive provision is a part of the new welfare reform block grant program enacted in 1996—the Temporary Assistance for Needy Families, or TANF, program.

DATES: You must submit comments by May 1, 1998. We will not consider comments received after this date in developing the final rule.

ADDRESSES: You may mail or hand-deliver comments to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, S.W., 7th Floor West, Washington, D.C. 20447. You may also transmit comments electronically via the Internet. To transmit comments electronically, or download an electronic version of the proposed rule, you should access the ACF Welfare Reform Home Page at http://www.acf.dhhs.gov/news/welfare and follow the instructions provided.

We will make all comments available for public inspection at the Office of Planning, Research and Evaluation, 7th Floor West, 901 D Street, SW, Washington, DC 20447, from Monday through Friday between the hours of 9 a.m. and 4 p.m.

We will only accept written comments. In addition, all your comments should:

- be specific;
- address only issues raised by the proposed rule, not the law itself;
- where appropriate, propose alternatives;
- explain reasons for any objections or recommended changes; and
- reference the specific section of the proposed rule that you are addressing.

We will not acknowledge the comments. However, we will review and consider all comments that are germane and received during the comment period.

FOR FURTHER INFORMATION CONTACT: Kelleen Kaye, (202) 401–6634, or Ken Maniha, (202) 401–5372.

Deaf and hearing-impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 between 8:00 a.m. and 7:00 p.m. Eastern time.

SUPPLEMENTARY INFORMATION:

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I. The Personal Responsibility and Work Opportunity Reconciliation Act

On August 22, 1996, President Clinton signed ''The Personal Responsibility and Work Opportunity Reconciliation Act of 1996''—or PRWORA—into law. The first title of this new law (Pub. L. 104–193) establishes a comprehensive welfare reform program designed to change the nation's welfare system dramatically. The new program is called Temporary Assistance for Needy Families, or TANF, in recognition of its focus on moving recipients into work and time-limited assistance.

PRWORA repeals the existing welfare program known as Aid to Families with Dependent Children (AFDC), which provided cash assistance to needy families on an entitlement basis. It also repeals the related programs known as the Job Opportunities and Basic Skills Training program (JOBS) and Emergency Assistance (EA).

The new TANF program went into effect on July 1, 1997, except in States that elected to submit a complete plan and implement the program at an earlier date.

This landmark welfare reform legislation dramatically affects not only needy families, but also intergovernmental relationships. It challenges Federal, State, Tribal and local governments to foster positive changes in the culture of the welfare system and to take more responsibility for program results and outcomes.

This new legislation also gives States the authority to use Federal welfare funds ''in any manner that is reasonably calculated to accomplish the purpose'' of the new program. It provides them broad flexibility to set eligibility rules and decide what benefits are most appropriate, and it offers States an opportunity to try new, far-reaching ideas so they can respond more effectively to the needs of families within their own unique environments.

II. Summary of the Bonus Provision

A. Legislative History

One of the greatest concerns of Congress in passing the PRWORA was the negative effect of out-of-wedlock births. This concern is reflected in the Congressional findings at section 101 of PRWORA. Here, Congress describes the need to address issues relating to marriage, the stability of families, and the promotion of responsible fatherhood and motherhood. It cites: the increasing number of children receiving public assistance; the increasing number of out-of-wedlock births; the negative consequences of an out-of-wedlock birth to the mother, the child, the family, and society; and the negative consequences of raising children in single-parent homes.

Section 101 concludes:

> Therefore, in light of this demonstration of the crisis in our Nation, it is the sense of the Congress that prevention of out-of-wedlock pregnancy and reduction in out-of-wedlock birth are very important Government interests and the policy contained in Part A of title IV of the Social Security Act (as amended by section 103(a) of this Act) is intended to address the crisis.

Congressional concern is also reflected in the goals of the TANF program and the provision entitled Bonus to Reward Decrease in Illegitimacy. One purpose of the TANF program, as stated in section 401(a)(3) of the Social Security Act, is to ''prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies.''

In enacting this separate bonus provision to reward decreases in out-of-wedlock childbearing, Congress intended to provide greater impetus to State efforts in this area and encourage State creativity in developing effective solutions.

B. The Bonus Award

This rulemaking addresses the provision in the new law to reward States for high performance through the ''Bonus to Reward Decrease in Illegitimacy.'' (See section 403(a)(2) of the Social Security Act (the Act)).

In this Notice of Proposed Rulemaking, the ''Bonus'' refers to the Bonus to Reward Decrease in Illegitimacy and the ''ratio'' refers to the ratio of out-of-wedlock births to total births.

As specified in section 403(a)(2) of the Act, we will award a total of $100 million annually, in each of fiscal years 1999 through 2002. The amount of the bonus for each eligible State in a given year will be $25 million or less. For the purposes of this award, States include the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam and American Samoa, (as provided in section 419(a)(5)). However, the criteria for determining eligibility and size of the bonus for Guam, American Samoa and the Virgin Islands are different than the criteria for the remaining States, as specified in section 403(a)(2).

We would base the bonus award on birth and abortion data for the State population as a whole, not on data for TANF or other more limited populations.

Briefly, we propose to award the bonus as follows:

- We would calculate the ratio of out-of-wedlock births to total births for each State for the most recent two-year period for which data are available and for the prior two-year period. To compute these ratios, we would use the vital statistics data reported annually by States to the National Center for Health Statistics.
- For States other than Guam, American Samoa or the Virgin Islands, we would identify the five States that had the largest proportionate decrease in their ratios between the most recent two-year period for which data are available and the prior two-year period. These States would be potentially eligible.
- For Guam, American Samoa and the Virgin Islands, we would identify which had a comparable decrease in their ratios (i.e., a decrease at least as large as the smallest decrease among the other qualifying States). These additional States would also be potentially eligible. We call to your attention that bonus funds for Puerto Rico, Guam, American Samoa, and the Virgin Islands are not subject to the mandatory ceilings in section 1108(c)(4) of the Act.
- We would notify the potentially eligible States that, to be considered for the bonus, they need to submit data on the number of abortions.
- We would determine which of the potentially eligible States also experienced a decrease in their rate of abortions for the most recent calendar year compared to 1995, the base year specified in the Act. These States would receive a bonus award.

III. Regulatory Framework

A. Consultations

In the spirit of both regulatory reform and PRWORA, we implemented a broad and far-reaching consultation strategy prior to the drafting of all proposed regulations for the TANF program. We discussed major issues related to this rulemaking with outside parties at numerous meetings.

We held two types of consultations. First, we raised issues related to this bonus award in the general TANF consultation meetings with representatives of State and local government; non-profit, advocacy, and community organizations; foundations; and others. Second, we held consultations with technical, statistical and substantive experts focused specifically on these bonus provisions. We spoke with a number of different audiences including representatives of the National Association for Public Health Statistics and Information Systems (NAPHSIS); the Maternal and Child Health Technical Advisory Group (coordinated by the American Public Welfare Association primarily to advise the Health Care Financing Administration of the Department of Health and Human Services on policy matters); and other interested agencies and organizations (e.g., the Alan Guttmacher Institute, the NOW Legal Defense Fund, and Catholic Charities USA).

The purpose of these discussions was to gain a variety of informational perspectives about the potential benefits and pitfalls of alternative regulatory approaches. We solicited both written and oral comments, and we worked to ensure that concerns raised during this process were shared with both the staff working on individual regulatory issues and key policy makers.

These consultations were very useful in helping us identify key issues and evaluate policy options. However, we would like to emphasize that we are issuing these regulations as a proposed rule. Thus, all interested parties have the opportunity to voice their concerns and to react to specific policy proposals. We will review comments we receive during the comment period and will take them into consideration before issuing a final rule.

B. Related Regulations Under Development

The NPRM to address the work, accountability, and data collection and reporting provisions of the new TANF program was published on November 20, 1997.

Over the next several months, we expect to issue other related proposed rules. The upcoming NPRMs will cover high performance bonuses, Tribal work and TANF programs, and child poverty rates.

C. Statutory Context

These proposed rules reflect PRWORA, as enacted, and amended by the Balanced Budget Act of 1997 (Pub.L. 105–33). This latter legislation included some technical changes and an adjustment to the formula if Guam, the Virgin Islands, or American Samoa is eligible for a bonus.

D. Regulatory Reform

In its latest *Document Drafting Handbook*, the Office of the Federal Register supports the efforts of the National Performance Review and encourages Federal agencies to produce more reader-friendly regulations. In drafting this proposed rule, we have paid close attention to this guidance. Individuals who are familiar with prior welfare regulations should notice that this package incorporates a distinctly different, more readable style.

E. Departmental Activities Related to Out-of-Wedlock Births

The Department has undertaken several initiatives in recognizing the importance of reducing out-of-wedlock childbearing. These include activities focused on the total population, as well as the teen population. In 1995, the Department published the *Report to Congress on Out-of-Wedlock Childbearing.* This volume provides an extensive compilation of many statistics on issues related to out-of-wedlock childbearing, as well as a literature review on the causes, consequences, and strategies to reduce childbearing outside of marriage. In that same year, the Department published *''Beginning too Soon: Adolescent Sexual Behavior, Pregnancy and Parenthood,''* a report prepared by Child Trends, Inc.

Recently, the Department has developed the National Strategy to Prevent Teen Pregnancy, as required in section 905 of PRWORA. This strategy targets both girls and boys, and it contains both program and research

initiatives. Section 905 of PRWORA also required that the Department assure that at least 25 percent of communities in this country have teen pregnancy prevention programs in place. The National strategy sends the strongest possible message to all teens that postponing sexual activity, staying in school, and preparing for work are the right things to do. It strengthens ongoing efforts across the nation by increasing opportunities through welfare reform; supporting promising approaches; building partnerships; improving data collection, research, and evaluation; and disseminating information on innovative and effective practices.

The Department is also administering the State Abstinence Education Program as authorized by section 912 of the PRWORA. This program authorizes $50 million per year beginning in FY 1998. By July 1997, every State had applied for this money to build on their State efforts to prevent teen pregnancy.

IV. Section-By-Section Discussion of the NPRM

What Does This Part Cover? (§ 283.1)

This section of the proposed rule provides a summary of the content of part 283. Part 283 covers how we would determine which States qualify for the bonus award, what data we would use to make this determination, and how we would determine the amount of the award.

What Definitions Apply to This Part? (§ 283.2)

Section 283.2 proposes definitions of the terms used in part 283. Some of these definitions assign a one-word term to represent a frequently used phrase. For example, ''Bonus'' is defined to mean the Bonus to Reward Decrease in Illegitimacy authorized under section 403(a)(2) of the Act.

We also define key technical terms used in calculating the bonus award for clarity and precision. For example, we define the ''most recent calendar year for which abortion data are available'' as the year that is two calendar years prior to the current calendar year. We also propose to define abortions to include both medically and surgically induced pregnancy terminations. This is consistent with the way data are collected in most States.

You will note that we use the term ''we'' throughout the regulation and preamble. The term ''we'' means the Secretary of the Department of Health and Human Services or any of the following individuals or agencies acting on her behalf: the Assistant Secretary for Children and Families, the Regional Administrators for Children and Families, the Department of Health and Human Services, and the Administration for Children and Families.

What Steps Will We Follow To Award the Bonus? (§ 283.3)

This section of the proposed rule describes the process we propose to follow for identifying which States would be eligible for the bonus and what the amount of the bonus would be. This process is based on the definition of ''eligible State'' in section 403(a)(2)(C)(i)(I)(aa). This definition indicates that a State must have a qualifying decrease in its ratio and also experience a decrease in its abortion rate. We propose to award the bonus based on decreases in ratios and abortion rates throughout the State. We would not award the bonus based on limited populations, e.g., teens or public assistance recipients.

Competition for the bonus is voluntary, and this rule places no mandates on States with respect to data collection. Also, where possible, this NPRM proposes to use existing data sources or data that are the least burdensome to collect and report.

In determining eligibility for the bonus, we first would consider States other than Guam, American Samoa, and the Virgin Islands. Among these States, we propose to identify which five States have the largest decrease in their ratios. We would then determine whether Guam, American Samoa and the Virgin Islands have decreases in their ratios at least as large as the smallest decrease among the other qualifying States. If so, they too would be potentially eligible for the bonus. We would not consider any other States for bonus eligibility, regardless of whether these potentially eligible States ultimately qualify for the bonus or not.

When calculating decreases in the ratios, we would use the vital statistics data for total births and out-of-wedlock births that States submit to the National Center for Health Statistics (NCHS). Vital statistics data include information on virtually all births occurring in the United States and are already reported by State health departments to NCHS through the Vital Statistics Cooperative Program (VSCP). Hospitals and other facilities report this information to the State health departments on a standard birth certificate, following closely the format and content of the U.S. Standard Certificate of Live Birth. The States process all of their birth records and send their files to NCHS in electronic form in a standard format. The mother of the child or other informant provides the demographic information on the birth certificate, such as race, ethnicity, age, and her marital status at the time of birth.

We chose vital statistics data to measure births because we viewed them as the most reliable and standard data available across States. Also, using vital statistics data from NCHS would allow us to measure the same years for all States and would give States a reasonable and standard time frame in which to submit the data. This is particularly important for birth data because we would rank States on their decrease in the ratio.

We also determined that obtaining these data directly from NCHS rather than from the individual States would avoid a duplicate information collection activity and would be less burdensome for the States and for us. In most cases, States would not need to provide any new data or information related to births beyond what they already submit to NCHS.

As specified in section 403(a)(2) of the Act, once we have identified the potentially eligible States with the largest decreases in their ratios, we would notify those States that, to be considered for eligibility for the bonus award, they must submit the necessary data on the number of abortions for both 1995 and the most recent year.

We concluded that there is no need for all States to submit data on abortions, based on the definition of ''eligible State'' in section 403(a)(2)(C)(i)(I)(aa). A State cannot qualify for the bonus unless it is potentially eligible based on its decrease in the ratio. Even if some potentially eligible States later become ineligible based on their abortion data, all States who were previously ineligible based on their birth data would remain ineligible. We see no purpose in requesting abortion data from States that are not potentially eligible. Requesting data from only the potentially eligible States would be less burdensome for States and for us.

Each of the potentially eligible States that submits abortion data and also experiences a decrease in its abortion rate relative to 1995 would be eligible to receive the bonus. If a State does not submit the necessary abortion data or has not experienced a decrease in its abortion rate, it would be ineligible.

We want to call attention to the fact that, as specified in section 403(a)(2)(C)(i)(I)(bb) of the Act, the comparison year for the abortion rate will be 1995 for every bonus year. Any State that is potentially eligible for the bonus and does not submit the 1995 abortion data along with the other

required information within two months of notification by ACF would be ineligible for the bonus that year.

It is important to note that, based on the definition of ''eligible State'' in section 403(a)(2)(C)(i)(I)(aa), we propose to rank States only on the basis of their ratios. States do not compete with respect to their abortion rates. Once a State is ranked on decreases in the ratio and determined to be potentially eligible, changes in its abortion rate would affect only its own eligibility. A State's abortion rate has no affect on the eligibility of any other State. Thus, while abortion data affects whether an individual State receives the bonus, competition among States for the bonus depends primarily on the birth data.

Section 403(a)(2)(B) of the Act specifies that the total amount of the bonus in each year shall be $100 million. The amount of the bonus awarded to each State will depend on the number of eligible States, and whether Guam, American Samoa or the Virgin Islands are among the eligible States. In no case will the amount of a State's bonus be more than $25 million.

If a State Wants To Be Considered for Bonus Eligibility, What Birth Data Must It Submit? (§ 283.4)

This section of the proposed rule describes in more detail what data a State must have submitted to NCHS for each year in the calculation period as a first step in qualifying for the bonus. As specified in section 403(a)(2)(C)(I)(i)(aa) of the Act, the calculation period for each bonus year covers four years, i.e., the most recent two calendar years for which NCHS has final data and the prior two calendar years. Consider the hypothetical example where bonus eligibility is being determined in July of 1999 and the most recent year for which NCHS has final data for all States is 1997. In this example, the calculation period would be calendar years 1997, 1996, 1995, and 1994.

If a State did not change its method for determining marital status at any time during the calculation period, it would not need to submit any additional information beyond the information submitted to the NCHS as part of the vital statistics program. States must have submitted these vital statistics files for each year in the calculation period. Among other elements, these files must contain the number of total births and out-of-wedlock births that occurred in the State. NCHS would use these data to tabulate the number of total and out-of-wedlock births occurring to residents of each State.

While the determination of marital status at the time of birth is fairly standard across States, there is some variation. Most States use a direct question on marital status, while a few infer marital status based on various pieces of information.

Section 403(a)(2)(C)(i)(II)(aa) of the Act requires us to disregard changes in data due to changed reporting methods. Accordingly, we propose in paragraph (b) of this section that, if a State changed its method of determining marital status during the calculation period, the State must provide additional information to NCHS in order to demonstrate the effect of that change. The information that States must provide includes the years(s) of the change and data resulting from a replication of the prior methodology, i.e., data showing what the numbers of out-of-wedlock births would have been if such a change had not occurred. Examples of such changes include replacing an inferential procedure with a direct question on marital status, or changing the data from which marital status is inferred.

In providing the information on the prior methodology, the State must replicate as closely as possible the method for determining marital status in the previous year. The State must submit this alternative calculation of the number of out-of-wedlock births for years in which the determination of marital status is different from that in the prior year. The State would also have to submit documentation to NCHS describing the change in determination of marital status and how it made the alternative calculation.

Consider the following hypothetical example of determining bonus eligibility in 1999:

A State changes from an inferential procedure to a direct question on marital status in 1996 and then leaves its procedure unchanged. This State would need to submit vital statistics data on total and out-of wedlock births for each year in the calculation period. This State would also need to submit an alternative measure showing what the number of out-of-wedlock births would have been in 1996, using the earlier inferential procedure. The State would not need to submit alternative measures for any other years in the calculation period. NCHS would use the information for 1996 to calculate an adjustment factor for other relevant years in the calculation period. For FY 2000 and subsequent bonus years, the State would not need to submit any data beyond the basic vital statistics files, as long as it made no further change in its procedures.

This alternative calculation of the number of births and documentation is necessary only if a State chooses to be considered for the bonus. It is not required as part of the Vital Statistics Cooperative Program.

We propose in paragraph (c) of this section that, for changes that occurred prior to 1998 or prior to final rule publication, the State has one year after final rule publication to submit the required information. For changes that occur during or after 1998 and after final rule publication, a State must submit the information with its vital statistics data for that year. This policy would help ensure that timely information is available when we determine bonus eligibility.

How Will We Use These Birth Data To Determine Bonus Eligibility? (§ 283.5)

This section of the proposed rule explains how we would identify which States have the largest decrease in their ratios. We would do this by using data provided by NCHS on total births and out-of-wedlock births for each State. In States that changed their methods of determining marital status, NCHS would have adjusted the number of out-of-wedlock births to disregard the effect of those methodology changes. This adjustment would be based on information provided by the States.

In paragraph (b) we propose to use the NCHS data to calculate the ratio for each State that has submitted the required data. As specified in the Act, this ratio would equal the number of out-of-wedlock births during the most recent two years divided by the number of total births for the same period. We would also calculate this ratio for the prior two-year period. Both ratios would be calculated to three decimal points.

We would then calculate the proportionate change in the ratios. This proportionate change would equal the ratio from the most recent two-year period, minus the ratio for the previous two-year period, all divided by the ratio from the previous two-year period. A negative result would indicate a decrease in the ratio. A positive result would indicate an increase in the ratio, and mean the State was not eligible for a bonus. We would calculate these ratios to three decimal places.

We also considered measuring the absolute change in the ratio. The absolute change would equal the ratio from the most recent period minus the ratio from the prior period.

We believe the proportionate change is a better measure than the absolute change because it would allow States starting with high and low ratios to compete more fairly. This is because a

State starting with a low ratio could have more difficulty achieving a given absolute decrease in ratios compared to a State starting with a high ratio. For example, a State starting with a ratio of .100 would need to cut its ratio in half to achieve an absolute decrease of .050 points. On the other hand, a State starting with a ratio of .500 would need to cut its ratio by only a tenth to achieve the same absolute decrease. Using the proportionate change in ratios rather than the absolute change in ratios helps to mitigate this potential difficulty by measuring the change relative to the State's ratio in the base period.

In paragraph (c) we propose to rank States with respect to the proportionate change between their two ratios. For States other than Guam, American Samoa and the Virgin Islands, we would identify the five States with the largest decrease in their ratios. These States would be potentially eligible. The number of such States potentially eligible for the bonus would be fewer than five if fewer than five States show decreases in their ratios.

If a tie exists that would result in more than five such States being potentially eligible, we would calculate the percentage change to enough decimal places to eliminate the tie.

We would then determine whether Guam, American Samoa and the Virgin Islands have a comparable decrease in their ratios (i.e., a decrease at least as large as the smallest decrease among qualifying States other than Guam, American Samoa and the Virgin Islands). These identified States would be potentially eligible for the bonus.

If a State Wants To Be Considered for Bonus Eligibility, What Data on Abortions Must It Submit? (§ 283.6)

This section of the proposed rule describes the data a State also must submit on abortions in order to qualify for the bonus. As noted above, only those States that are potentially eligible based on their ratios would need to submit abortion data in each year. Other States cannot be eligible and, therefore, do not need to submit abortion numbers.

Under the proposed definitions at § 283.2, the term ''abortion'' includes both medically and surgically induced pregnancy terminations. In most cases, States already collect these data.

To be considered for the bonus, we propose, in paragraph (a), that States must submit to ACF data and information on the number of abortions for calendar year 1995 within two months of notification by ACF that they are potentially eligible. Under section 403(a)(2) of the Act, their data must count all abortions; it cannot be based on sub-populations, such as recipients of public assistance or Medicaid.

In paragraph (b), we propose that the potentially eligible States must also submit documentation demonstrating when they obtained their 1995 data on abortions. An eligible State must have obtained its 1995 abortion data by the end of 1997, or within 60 days of final rule publication, whichever is later. Prompt collection of these data should help to improve the reliability of the abortion data submitted for 1995.

For comparison and calculation purposes, in paragraph (c) we propose that potentially eligible States also must submit data on the number of abortions for the most recent year for which abortion data are available. We define the term ''most recent year for which abortion data are available'' in § 283.2(e) to mean the year that is two calendar years prior to the current calendar year. For example, if we are determining bonus eligibility in calendar year 1999, the State would need to submit abortion data for calendar year 1995 and calendar year 1997. We define the period this way in order to measure the same year for all States. Based on information received during the consultation phase, we concluded that two years was a reasonable time frame in which to obtain the data. A time frame of longer than two years would not result in timely data, and a time frame shorter than two years could be difficult for some States to meet.

The information the State must submit for 1995 and the most recent year is either the number of all abortions performed within the State, or the number of all abortions performed within the State on in-State residents. We would accept either measure. However, we prefer the second measure because the population of in-State residents is more relevant for the intent of this provision. We assume that State policies to reduce out-of-wedlock childbearing will affect in-State residents most directly. We received numerous comments during our external consultation that the measure should be based on in-State residents, if possible.

We understand, however, that some States collect data only on total abortions that occurred within the State and do not separately identify abortions provided to in-State or out-of-State residents. While such States could begin to collect the data on a State-resident basis in the future, their 1995 data would not be collected on this basis. We investigated whether a State could adjust its 1995 data to make it comparable to future data based on in-State residents. After extensive consultation, we concluded this would not be technically feasible.

Therefore, this proposed rule offers potentially eligible States the option to measure either total abortions that occurred within the State or abortions only among in-State residents that occurred within the State. However, the State must use the same definition to measure abortions in later years as it chooses for 1995. For example, if a State submitted data on total abortions performed in the State in 1995, it also must submit data on total abortions performed in the State in 1999.

While a State would be ineligible for the bonus if it changed its number of reported abortions in this respect, it could change its reporting in other respects and still be potentially eligible. For example, a State could change its procedures for contacting abortion providers. This flexibility would allow States to improve their abortion reporting systems without making them ineligible for the bonus.

Under this proposed rule, States would also have flexibility to choose the source of the abortion data they submit. This flexibility would allow States that do not already have their own reporting system in place to compete for the bonus using data from other sources.

While the States would have some flexibility to change their abortion reporting over time, the State would have to adjust for effects of these changes. In paragraph (d), as provided in section 403(a)(2)(C)(i)(II)(bb) of the Act, we propose that States must adjust the measure (the number of abortions) so as to exclude increases or decreases that result from changes in data reporting relative to 1995, i.e., changes in the source of the data or the methodology. We propose also that the Governor, or his or her designee, must certify that the State has made the appropriate adjustments.

These abortion reporting restrictions, including the need to adjust for changes in data reporting and the need to define the population consistently over time, apply only to the number of abortions reported to ACF for purposes of this bonus. Therefore, the number of abortions reported for purposes of the bonus might or might not equal the number of abortions reported in public health statistics.

This proposed rule does not specify what methodology States must use to adjust for changes in data collection. After extensive consultation, we do not believe it is feasible to design a single methodology that would address all possible changes in data reporting. In addition, based on comments from our

external consultation, we understand that some State privacy laws restrict the types of abortion provider information that can be reported. We considered more specific reporting requirements as a way of ensuring a more uniform methodology, but they appeared to conflict with these State confidentiality laws.

Our aim in this section of the NPRM is to obtain from States the best quality and most standard abortion data possible. We believe this is necessary for the fair and equitable distribution of these bonus awards. We also believe, however, that this proposed rule provides States with important flexibility that would make it technically feasible for States to submit the necessary data if they choose to compete for the bonus. We believe that this flexibility would better incorporate State program knowledge and expertise in measuring abortions.

This flexibility could introduce variation in measurement of abortions across States for purposes of the bonus and could raise concern about fair competition for the bonus. However, these concerns are greatly mitigated by the fact that States are not competing with each other on their abortion rates. As noted above, a State's abortion rate affects its own qualification only, not the qualification of any other State. Furthermore, the disqualification of any State, based on its abortion data, does not result in additional States becoming eligible.

A State cannot be eligible for the bonus unless it submits the necessary abortion data. However, as competition for the bonus is voluntary, this provision places no requirement on States to submit these data.

How Will We Use These Data on Abortions To Determine Bonus Eligibility? (§ 283.7)

This section of the proposed rule describes how we would use the abortion data to identify which States are eligible for the bonus. To be eligible, a State must meet all the requirements noted above and must demonstrate a decrease in its abortion rate as described below.

In paragraph (a), we propose to use the abortion data that States provide to calculate a rate of abortions. This rate would equal the number of abortions in a State for the most recent year, divided by the number of total resident births for the same year as reported by NCHS. This statistic is also known as the ''abortion to live birth ratio.'' It is a standard statistic used to measure abortions and incorporates the same denominator as the ratio. We would calculate the rate to three decimal places.

In paragraph (b), we propose to compare this rate for the most recent year to the rate for 1995, calculated in the same way, and to identify which of the potentially eligible States experienced decreases in their abortion rates relative to 1995. Only those States experiencing decreases relative to 1995 would be eligible for the bonus. We would always compare a State's abortion rate to its 1995 rate, as specified in section 403(a)(2)(C)(i)(I)(bb) of the Act.

What Will Be the Amount of the Bonus? (§ 283.8)

This section of the proposed rule explains how we would determine the amount of the bonus for eligible States. These amounts are specified in section 403(a)(2)(B) of the Act. For Guam, American Samoa or the Virgin Islands, the award would be 25 percent of their mandatory ceiling amount as defined in section 1108 of the Act. Any bonuses paid to the these States would be subtracted from the total award of $100 million, and the remainder would be divided among the other qualifying States up to a maximum award of $25 million. If Guam, American Samoa and the Virgin Islands were not among the qualifying States, the bonus for each State would be $20 million if five States qualified and $25 million if fewer States qualified. If Guam, American Samoa or the Virgin Islands were among the qualifying States, the award for each State would be some lesser amount. The bonus amount for any State will never exceed $25 million per year.

What Do Eligible States Need To Know To Access the Bonus Funds? (§ 283.9)

This section of the proposed rule provides additional details on how we would pay the bonus and how States may use the bonus award. We propose in paragraph (a) to pay the award to the Executive Office of the Governor. We believe that the Governor, as Chief Executive Officer of the State, is responsible not only for the TANF block grant program but for the well-being of all citizens of the State, including efforts related to reducing out-of-wedlock childbearing for the population as a whole.

Since a bonus is part of a State's Family Assistance Grant, a State may use these funds only for purposes listed in sections 404 (use of funds) and 408 (prohibitions; requirements) of the Act. These sections of the law, including their constraints and limitations, apply to all funds received under section 403 of the Act.

V. Regulatory Impact Analyses

A. Executive Order 12866

Executive Order 12866 requires that regulations be drafted to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this proposed rule is consistent with these priorities and principles. This proposed rulemaking implements statutory authority based on broad consultation and coordination.

The Executive Order encourages agencies, as appropriate, to provide the public with meaningful participation in the regulatory process. As described elsewhere in the preamble, ACF consulted with State and local officials, their representative organizations, and a broad range of technical and interest group representatives.

We discuss the input received during the consultation process in the ''Supplementary Information'' section of the preamble and in the section-by-section discussion of the proposed rule. To a considerable degree, this NPRM reflects the information provided by, and the recommendations of, the groups with whom we consulted.

B. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities. Small entities are defined in the Act to include small businesses, small non-profit organizations, and small governmental agencies. This rule will affect only States. Therefore, the Secretary certifies that this rule will not have a significant impact on small entities.

C. Paperwork Reduction Act

This rule does not contain information collection activities that are subject to review and approval by the Office of Management and Budget. The birth data on which we will base the computation of the bonus are currently available from the NCHS. Therefore, no new data collection is required to measure out-of-wedlock birth ratios. The abortion data would be solicited for up to eight States only, and, therefore, does not meet the criteria for OMB review and approval.

D. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any

Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

We have determined that this proposed rule would not impose a mandate that will result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year. Accordingly, we have not prepared a budgetary impact statement, specifically addressed the regulatory alternatives considered, or prepared a plan for informing and advising any significantly or uniquely impacted small government.

List of Subjects in 45 CFR Part 283

Health statistics, Family planning, Maternal and child health, Public assistance programs.

Dated: September 19, 1997.

Olivia A. Golden,

Principal Deputy Assistant Secretary for Children and Families.

Approved: November 24, 1997.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For the reasons set forth in the preamble, we propose to add part 283 to chapter II of title 45 of the CFR to read as follows:

PART 283—IMPLEMENTATION OF SECTION 403(a)(2) OF THE SOCIAL SECURITY ACT, BONUS TO REWARD DECREASE IN ILLEGITIMACY

Sec.

Authority: 42 U.S.C. 603.

§ 283.1 What does this part cover?

This part explains how States may be considered for the Bonus to Reward Decrease in Illegitimacy as authorized by section 403(a)(2) of the Social Security Act. It describes the data on which we will base the bonus, how we will make the award, and how we will determine the amount of the award.

§ 283.2 What definitions apply to this part?

The following definitions apply to this part:

Abortions means induced pregnancy terminations, including both medically and surgically induced pregnancy terminations.

Act means the Social Security Act.

Bonus refers to the Bonus to Reward Decrease in Illegitimacy, as set forth in section 403(a)(2) of the Social Security Act.

Calculation period refers to the four calendar years used for determining the decrease in the out-of-wedlock birth ratios for a bonus year. (The years included in the calculation period change from year to year.)

Most recent two-year period for which birth data are available means the most recent two calendar years for which the National Center for Health Statistics has obtained final birth data by State.

Most recent year for which abortion data are available means the year that is two calendar years prior to the current calendar year. (For example, for eligibility determinations made during calendar year 1999, the most recent year for which abortion data are available would be calendar year 1997.)

NCHS means the National Center for Health Statistics, in the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

Number of out-of-wedlock births for the State means the final number of births occurring outside of marriage to residents of the State, as reported in NCHS vital statistics data.

Number of total births for the State means the final total number of births to residents of the State, as reported in NCHS vital statistics data.

Rate of abortions means the number of abortions reported by the State in the most recent year for which abortion data are available divided by the State's total number of resident births reported in vital statistics for that same year. (This measure is also more traditionally known as the ''abortion to live birth ratio.'')

Ratio refers to the ratio of out-of-wedlock births to total births, as defined in § 283.5(b).

State means the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa, as provided in section 419(a)(5) of the Act.

Vital statistics data means the data reported by State health departments to NCHS, through the Vital Statistics Cooperative Program (VSCP).

§ 283.3 What steps will we follow to award the bonus?

(a) For each of the fiscal years 1999 through 2002 we will:

(1) Calculate the ratios for the most recent two years for which data are available, and for the prior two years, as described in § 283.5. We will do this for every State that submits the necessary vital statistics data to NCHS, as described in § 283.4.

(2) Calculate the proportionate change between these two ratios, as described in § 283.5.

(3) Identify as potentially eligible those States that have qualifying decreases in their ratios, using the methodology described in § 283.5. We will identify fewer than five States if fewer than five States experience decreases in their ratios. We will identify more than five States if Guam, American Samoa or the Virgin Islands, in addition to five other States, have qualifying decreases in their out-of-wedlock birth ratios.

(4) Notify these potentially eligible States that we will consider them for the bonus if they submit data on abortions as stated in § 283.6.

(5) Identify which of the potentially eligible States that submitted the required data on abortions have experienced decreases in their rates of abortion relative to 1995, as described in § 283.7. These States will receive the bonus.

(b) We will determine the amount of the grant for each eligible State, based on the number of eligible States, and whether Guam, American Samoa or the Virgin Islands are eligible. No State will receive a bonus award greater than $25 million in any year.

§ 283.4 If a State wants to be considered for bonus eligibility, what birth data must it submit?

(a) To be considered for a bonus, the State must have submitted data on out-of-wedlock births as follows:

(1) The State must have submitted to NCHS final vital statistics data files for all births occurring in the State. These files must show, among other elements, the number of total births and the number of out-of-wedlock births occurring in the State. These data must conform to the Vital Statistics Cooperative Program contract for all years in the calculation period. This contract specifies, among other things, the guidelines and time-lines for submitting vital statistics data files.

(2) The State must have submitted these data for the most recent two years for which NCHS reports final data, as well as for the previous two years.

(b) If a State has changed its method of determining marital status for the

purposes of these data, the State also must have met the following requirements:

(1) The State has identified all years for which the method of determining marital status is different from that used for the previous year.

(2) For those years identified under paragraph (b)(1) of this section, the State has replicated as closely as possible the previous year's method for determining marital status at time of birth, and the State has reported to NCHS the resulting alternative number of out-of-wedlock births.

(3) The State has also submitted to NCHS documentation on what the changes in determination of marital status were for those years and how it determined the alternative number of out-of-wedlock births for the State.

(4) For methodology changes that occurred prior to 1998 or final rule publication, the State must have submitted the information described in paragraphs (b)(1), (2) and (3) of this section within 1 year of final rule publication. For such changes occurring during or after 1998 and after final rule publication, the State must have submitted such information according to the same deadline that applies to its vital statistics data for that year.

DEADLINE FOR INFORMATION ON CHANGES IN DATA REPORTING

If Change in Data Collection Occurred:	Prior to 1998	Prior to final rule	During 1998, after final rule	After 1998, after final rule
Then Deadline for Information on Alternative Data is:	Within 1 year of final rule	Within 1 year of final rule	NCHS deadlines	NCHS deadlines

§ 283.5 How will we use these birth data to determine bonus eligibility?

(a) We will use the number of out-of-wedlock births and total births among women living in each State provided by NCHS as follows.

(1) If a State has not changed its method of determining marital status, these numbers will be based directly on their vital statistics data files.

(2) For years when the determination of marital status has been changed during the calculation period, NCHS will provide the number of out-of-wedlock births from vital statistics as well as an adjustment factor to disregard the effects of this change.

(b) We will use these data provided by NCHS to calculate the decrease in the ratios for each State, as follows:

(1) We will calculate the ratio as the number of out-of-wedlock births for the State during the most recent two-year period for which NCHS has final birth data divided by the number of total births for the State during the same period. We will calculate, to three decimal places, the ratio for each State that submits the necessary data on total and out-of-wedlock births described in § 283.4.

(2) We will calculate the ratio for the previous two-year period using the same methodology.

(3) We will calculate the proportionate change in the ratio as the ratio of out-of-wedlock births total births for the most recent two-year period minus the ratio of out-of-wedlock births to total births from the prior two-year period, all divided by the ratio of out-of wedlock births to total births for the prior two-year period. A negative number will indicate a decrease in the ratio and a positive number will indicate an increase in the ratio.

(c) We will identify which States have a decrease in their ratios large enough to make them potentially eligible for the bonus, as follows:

(1) For States other than Guam, American Samoa and the Virgin Islands, we will use this calculated change to rank the States and identify which five States have the largest decrease in their ratios. Only States among the top five will be potentially eligible for the bonus. We will identify fewer than five such States as potentially eligible if fewer than five experience decreases in their ratios. We will not include Guam, American Samoa and the Virgin Islands in this ranking.

(2) If we identify more than five States due to a tie in the decrease, we will recalculate the ratio and the decrease in the ratio to as many decimal places as necessary to eliminate the tie. We will identify no more than five States.

(3) For Guam, American Samoa and the Virgin Islands, we will use the calculated change in the ratio to identify which of these States experienced a decrease at least as large as the smallest qualifying decrease identified in paragraph (c)(1) of this section. These identified States will be potentially eligible for the bonus also.

(4) We will notify the potentially eligible States, as identified under paragraphs (a) through (c) of this section that they must submit the information on abortion rates specified under § 283.6 if they want to be considered for the bonus.

§ 283.6 If a State wants to be considered for bonus eligibility, what data on abortions must it submit?

(a) To be considered further for bonus eligibility, each potentially eligible State, as identified under § 283.5, must then submit to ACF data and information on the number of abortions for calendar year 1995 within two months of this notification. This number must measure either of the following:

(1) For calendar year 1995, the total number of abortions performed by all providers within the State; or

(2) For calendar year 1995, the total number of abortions that were performed by all providers within the State on the total population of State residents only. This is the preferred measure.

(b) States must have obtained these data on abortions for calendar year 1995 by the end of calendar year 1997, or within 60 days of publication of the final rule on the bonus, whichever is later. Within two months of notification by ACF of potential eligibility, the State must submit records documenting when it obtained the abortion data for calendar year 1995.

(c) The State also must submit data on the number of abortions for the most recent year for which abortion data are available, as defined in § 283.2. In measuring the number of abortions, the State must use the same definition, either under paragraph (a)(1) or (a)(2) of this section, for both 1995 and the most recent year.

(d) The State must adjust the number of abortions reported to ACF in any year to exclude increases or decreases due to changes in data collection or methodology relative to the number of abortions reported to ACF for 1995. The Governor, or his or her designee, must certify to ACF that such adjustments have been made.

§ 283.7 How will we use these data on abortions to determine bonus eligibility?

(a) For those States that have met all the requirements under §§ 283.1 through 283.6, we will calculate the rate of abortions for calendar year 1995 and for the most recent year for which abortion data are available. These rates will equal the number of abortions reported by the State to ACF for the applicable year, divided by total births

among women living in the State reported by NCHS for the same year. We will calculate the rates to three decimal places.

(b) If ACF determines that the State's rate of abortions for the most recent year for which abortion data are available is less than the rate for 1995, and, if the State has met all the requirements listed elsewhere under this part, the State will receive the bonus.

§ 283.8 What will be the amount of the bonus?

(a) If, for a bonus year, none of the eligible States is Guam, American Samoa or the Virgin Islands, then the amount of the grant shall be:

(1) $20 million if there are five eligible States; or

(2) $25 million if there are fewer than five eligible States.

(b) If for a bonus year, Guam, the Virgin Islands, or American Samoa is an eligible State, then the amount of the grant shall be:

(1) In the case of such a State, 25 percent of the mandatory ceiling amount as defined in section 1108 of the Act; and

(2) In the case of any other State the amount of the grant shall be $100 million, minus the total amount of any bonuses paid to Guam, the Virgin Islands, and American Samoa, and divided by the number of eligible States other than such territories, not to exceed $25 million.

§ 283.9 What do eligible States need to know to access the bonus funds?

(a) We will pay the bonus to the Executive Office of the Governor of the eligible State.

(b)(1) States must use the bonus to carry out the purposes of the Temporary Assistance for Needy Families Block Grant in section 404 of the Social Security Act.

(2) These funds are also subject to the limitations in, and requirements of, sections 404 and 408 of the Act.

[FR Doc. 98–5179 Filed 2–27–98; 8:45 am]
BILLING CODE 4184–01–P

federal register

Monday
March 2, 1998

Part III

Environmental Protection Agency

Announcement of the Drinking Water Contaminant Candidate List; Notice

ENVIRONMENTAL PROTECTION AGENCY

[W–97–11; FRL–5972–5]

Announcement of the Drinking Water Contaminant Candidate List

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Safe Drinking Water Act (SDWA), as amended in 1996, requires the Environmental Protection Agency (EPA) to publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulation (NPDWR), that are known or anticipated to occur in public water systems and which may require regulations under the SDWA [section 1412(b)(1)]. The SDWA, as amended, specifies that EPA must publish the first list of contaminants (Drinking Water Contaminant Candidate List, or CCL) not later than 18 months after the date of enactment, i.e., by February 1998, and every five years thereafter. The SDWA, as amended, also specifies that the CCL must be published after consultation with the scientific community, and after notice and opportunity for public comment.

A draft CCL was published in the October 6, 1997 edition of the **Federal Register** (62 FR 52193) in order to seek comment from the public. Seventy-one comments were received. The comments have been reviewed and considered in creating the final CCL presented in today's notice. The CCL is divided among contaminants which are identified as priorities for drinking water research, those which need additional occurrence data, and contaminants which are priorities for consideration for the development of future drinking water regulations and guidance. The CCL includes 50 chemical and 10 microbiological contaminants/contaminant groups.

The full record for this notice has been established under docket number W–97–11, and includes supporting documentation as well as all comments received in response to the October 6, 1997 notice. The full record is available for inspection from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays at the Office of Water Docket, East Tower Basement, USEPA Headquarters, 401 M Street, S.W., Washington, D.C. For access to the docket, please call 202–260–3027 to schedule an appointment.

FOR FURTHER INFORMATION CONTACT: For general information, please contact the EPA Safe Drinking Water Hotline. The toll-free number is 800–426–4791. The Hotline operates from 9:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. For specific information on the Contaminant Candidate List and the contaminant identification process, please contact Ms. Evelyn Washington, at the U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, Mailcode 4607, Washington, D.C. 20460, phone: 202–260–3029, fax: 202–260–3762, email: washington.evelyn@epamail.epa.gov.

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SUPPLEMENTARY INFORMATION:

Abbreviations Used in This Notice

AMA—American Medical Association
AWWARF—American Water Works Association Research Foundation
CAA—Clean Air Act
CASRN—Chemical Abstract Services Registry Number
CCL—Contaminant Candidate List
CERCLA—Comprehensive Environmental Response, Comprehensive and Liability Act
CPVC—Chlorinated Polyvinyl Chloride
DBPR—Microbiological and Disinfection Byproducts Regulations
DWEL—Drinking Water Equivalent Level
DWPL—Drinking Water Priority List
EDSTAC—Endocrine Disruptor Screening and Testing Advisory Committee
EPA—Environmental Protection Agency
ESWTR—Enhanced Surface Water Treatment Rule
FIFRA—Federal Insecticide, Fungicide, and Rodenticide Act
FQPA—Food Quality Protection Act
FR—Federal Register
GWDR—Ground Water
GW—Ground Water Disinfection Rule
IRIS—Integrated Risk Information System
MCL—Maximum Contaminant Level
MCLG—Maximum Contaminant Level Goal
MTBE—Methyl-t-butyl Ether
NAS—National Academy of Sciences
NAWQA—National Water Quality Assessment Program
NDWAC—National Drinking Water Advisory Council
NOAEL—No-Observed-Adverse-Effect-Level
NPDWR—National Primary Drinking Water Regulations
NPL—National Priority List
NSF—National Sanitation Foundation
OPP—EPA's Office of Pesticide Programs
OPPTS—EPA's Office of Pollution Prevention and Toxic Substances
PGWDW—Pesticides in Ground Water Database
PVC—Polyvinyl Chloride
RfD—Reference Dose
SAB—EPA's Science Advisory Board
SAP—Science Advisory Panel
SDWA—Safe Drinking Water Act
SWTR—Surface Water Treatment Rule
TTHM—total trihalomethane
TSCA—Toxic Substances Control Act
UCMR—Unregulated Contaminant Monitoring Regulations
WHO—World Health Organization

Table of Contents

I. Background

The Safe Drinking Water Act (SDWA), as amended in 1996, requires the Environmental Protection Agency (EPA) to publish a list of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA [section 1412(b)(1)]. The SDWA, as amended, also specifies that EPA must publish this list of contaminants (Drinking Water Contaminant Candidate List, or CCL) not later than 18 months after the date of enactment (i.e., by February 1998), and publish a new CCL every five years thereafter. The SDWA requires that the list of contaminants include those which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulation (NPDWR). The list must be published after consultation with the scientific community, including the Science Advisory Board, after notice and opportunity for public comment, and after consideration of the occurrence database established under section 1445(g). The unregulated contaminants considered for the list must include, but not be limited to, substances referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and substances registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Today's notice is being published pursuant to the requirements in section 1412(b)(1). The contaminants included are not subject to any proposed or promulgated national primary drinking water regulation, are known or anticipated to occur in public water systems, and may require regulation under the SDWA. During the development of the CCL, the Agency consulted with stakeholders, including the National Drinking Water Advisory Council's (NDWAC) Working Group on Occurrence & Contaminant Selection, which includes microbiologists, toxicologists, public health scientists, and engineers, and consulted with other members of the scientific community including the Science Advisory Board (SAB). A draft CCL was published in the October 6, 1997 edition of the **Federal Register** (62 FR 52193) to seek comment from the public.

Seventy-one comments were received in response to the notice on the draft CCL; 66 comments were received by the due date, and an additional 5 comments were received later. The majority were supportive of the CCL process and the development of this first CCL, and provided suggestions on specific contaminants that should be included on, or excluded from, the CCL. The comments, data, and information provided were taken into consideration in preparing the final CCL presented in today's notice. Modifications to the CCL presented in today's notice were also reviewed by the National Drinking Water Advisory Council (NDWAC), and the NDWAC Working Group on Occurrence & Contaminant Selection.

The Agency believes the CCL presented in today's notice is a first step toward improving risk assessment, strengthening science and data, and achieving better decision-making and future priority setting. The CCL is designed to be responsive to each of the requirements noted above of the SDWA, as amended, and is consistent with the goals of the Drinking Water Redirection Strategy. The CCL is the result of a concerted effort of screening a larger set of contaminants to a subset of those of most concern.

This final CCL will be the primary source of priority contaminants for the Agency's drinking water program. The list is divided among priorities for drinking water research, priorities for additional occurrence data collection, and those contaminants which are priorities for consideration for Agency determinations of whether or not to regulate specific contaminants by August 2001.

The SDWA does not preclude the Agency from taking action on a contaminant not included on the CCL. The EPA can decide to monitor, develop guidance, or conduct research, for a contaminant not included on the CCL. The Agency can also develop regulations to address an urgent threat to public health under SDWA [section 1412(b)(1)(D)]. The Agency is also not precluded from modifying the CCL prior to the due date of the next CCL, which is February 2003.

II. Drinking Water Contaminant Candidate List

The following table includes the contaminants, microbiological and chemical, presented as the Drinking Water Contaminant Candidate List. The chemical contaminants in the table are identified by name and Chemical Abstracts Service Registry Number (CASRN). The CCL includes 50 chemical and 10 microbiological contaminants/contaminant groups.

TABLE 1.—DRINKING WATER CONTAMINANT CANDIDATE LIST

Microbiological contaminants
Acanthamoeba (guidance expected for contact lens wearers)
Adenoviruses
Aeromonas hydrophila
Caliciviruses
Coxsackieviruses
Cyanobacteria (blue-green algae), other freshwater algae, and their toxins
Echoviruses
Helicobacter pylori
Microsporidia (Enterocytozoon & Septata)
Mycobacterium avium intracellulare (MAC)

Chemical contaminants	CASRN
1,1,2,2-tetrachloroethane	79–34–5
1,2,4-trimethylbenzene	95–63–6
1,1-dichloroethane	75–34–3
1,1-dichloropropene	563–58–6
1,2-diphenylhydrazine	122–66–7
1,3-dichloropropane	142–28–9
1,3-Dichloropropene	542–75–6

Chemical contaminants	CASRN
2,4,6-trichlorophenol	88–06–2
2,2-dichloropropane	594–20–7
2,4-dichlorophenol	120–83–2
2,4-dinitrophenol	51–28–5
2,4-dinitrotoluene	121–14–2
2,6-dinitrotoluene	606–20–2
2-methyl-Phenol (o-cresol)	95–48–7
Acetochlor	34256–82–1
Alachlor ESA & other acetanilide pesticide degradation products	N/A
Aldrin	309–00–2
Aluminum	7429–90–5
Boron	7440–42–8
Bromobenzene	108–86–1
DCPA mono-acid degradate	887–54–7
DCPA di-acid degradate	2136–79–0
DDE	72–55–9
Diazinon	333–41–5
Dieldrin	60–57–1
Disulfoton	298–04–4
Diuron	330–54–1
EPTC (s-ethyl-dipropylthiocarbamate)	759–94–4
Fonofos	944–22–9
Hexachlorobutadiene	87–68–3
p-Isopropyltoluene (p-cymene)	99–87–6
Linuron	330–55–2
Manganese	7439–96–5
Methyl bromide	74–83–9
Methyl-t-butyl ether (MTBE)	1634–04–4
Metolachlor	51218–45–2
Metribuzin	21087–64–9
Molinate	2212–67–1
Naphthalene	91–20–3
Nitrobenzene	98–95–3
Organotins	N/A
Perchlorate	N/A
Prometon	1610–18–0
RDX	121–82–4
Sodium	7440–23–5
Sulfate	14808–79–8
Terbacil	5902–51–2
Terbufos	13071–79–9
Triazines & degradation products of triazines (including, but not limited to Cyanazine 21725–46–2, and atrazine-desethyl 6190–65–4).	
Vanadium	7440–62–2

III. Changes Made to Create the Final Contaminant Candidate List Based on Comments Received on the Draft

The criteria which EPA used to select the contaminants for the CCL are described in detail in the October 6, 1997 notice (62 FR 52193) on the draft CCL. In general, the criteria for including a contaminant on the CCL consisted of determinations of whether the occurrence, or anticipated occurrence, of a contaminant was likely at levels of concern to human health. The October notice solicited input from the public and specifically requested comments on (1) the approach EPA used to create the list and suggestions on the process for future lists; (2) contaminants on the list; (3) data needs categories; and (4) whether to include perchlorate on the CCL.

EPA received 71 comments, 66 by the deadline and 5 additional late comments. The majority of comments were supportive of the CCL process, and the development of this first CCL. Comments were received from a number of segments of the stakeholder community, including equipment manufacturers, consultants, chemical manufacturers, trade associations, environmental groups, state regulatory agencies, water utilities, and private citizens. Commenters provided data and information on specific contaminants and included suggestions on the process for future CCL development, as well as feedback on the data and research needs indicated for the contaminants on the CCL. Roughly 60 issues were raised by the comments, both contaminant-specific and related to the development of a process for identifying contaminants for future CCLs. The comments, data, and information provided were taken into consideration in preparing the final CCL presented in today's notice. Proposed changes to the CCL were also reviewed by the NDWAC Working Group on Occurrence & Contaminant Selection, and the NDWAC full-Council.

A number of comments indicated that many did not understand the function of the CCL. The CCL is not the list of contaminants for which the Agency has made a determination to regulate. The CCL is a list of priority contaminants (not otherwise addressed) for drinking water program activities which include those for: (1) drinking water research, (2) monitoring, (3) guidance development, as well as those for (4) selection and regulatory determination by the year 2001. The next steps likely to occur with regard to any given contaminant are discussed in more detail in Section V in today's notice.

Despite the support expressed for the development of this first CCL, commenters advised that more robust criteria are needed for future CCL

development and for contaminant selection. The Agency agrees with these commenters and will continue to work to develop a contaminant identification process for chemical and microbiological contaminants to be used to develop future CCLs. Section IV.C. of today's notice provides additional information on how the Agency plans to develop these processes.

The following is a summary of the significant public comments received that led to changes to the CCL. The remainder of this section responds to the more significant comments, and indicates how the CCL was changed in response to these comments. A complete report of responses to all comments received on the notice of the draft CCL can be found in the docket.

A. Acetochlor, Metolachor, and Alachlor ESA

A number of commenters supported the inclusion of acetochlor, metolachor, and alachlor ESA (the sulfonic acid degradate of alachlor) on the CCL, while others indicated that they should not be included. Three commenters indicated that acetochlor should have low priority for regulation, and that the Agency should consider deleting it from the CCL. The commenters argued that under the Acetochlor Registration Project, the EPA has established very conservative triggers for its potential cancellation of use as a pesticide. The commenters went on to indicate that in 175 community water systems monitored since March 1995, acetochlor detections have occurred in only 20% of samples, that no system had an average mean concentration exceeding 2 ppb, which is one of the triggers, and that additional monitoring data will indicate that concentrations found in public water systems are far below 140 ppb.

One commenter argued that metolachlor should not be included on the CCL. That although it is detected in water, it is rarely above the lifetime health advisory level of 70 ppb, and the detections in most cases are associated with point sources. The commenter stated that data collected under the Unregulated Contaminant Monitoring Regulations is available on a state-by-state basis, and the results reported from 3 States also indicate no detections above the lifetime health advisory level of 70 ppb. Another commenter suggested that alachlor ESA should not be included on the CCL, as it, too, should have a low priority for regulation based on concentrations in water not exceeding 6370 ppb.

Other commenters argued that metolachor, acetochlor, and alachlor ESA should be kept on the CCL since States reported finding these contaminants in water. One commenter added that the metolachor ESA and metolachor OA degradation products should be included on the CCL also, since all have been found in ground water.

One commenter also pointed out that metolachlor, acetochlor, and alachlor do not have a common mode of action, and thus cannot be grouped together to develop a single standard to address all acetanilide pesticides.

EPA Response

The Agency disagrees with the commenters who believe it is inappropriate to include acetochlor, metolachor, and alachlor ESA on the CCL. By including these contaminants on the CCL, the Agency has not yet made a determination with respect to regulating any of them. In light of the reported occurrences of these contaminants in water, the drinking water program needs to determine what action is appropriate to ensure the protection of public health even if the action may be only the development of guidance for States and public water systems. The Office of Water will evaluate further the available toxicity and occurrence information for these pesticides in order to determine appropriate concentration values adequate to protect against risks associated with exposure through drinking water. With respect to metolachlor specifically, the Agency believes it is appropriate to include it on the CCL. The data collected under the Unregulated Contaminant Monitoring Regulations is being collected from all States and will be compiled and evaluated as additional information is collected and evaluated for all contaminants on the CCL.

The Agency agrees that it is appropriate to include other acetanilide pesticide degradation products in addition to alachlor ESA, since they, too, have been found in ground water. However, at this time, the Agency has not yet determined which are the most important to include; therefore, EPA has decided to include alachlor ESA & other acetanilide pesticide degradation products as a group of contaminants on the CCL. The determination of which degradation products are of most concern will be determined as we learn more about these contaminants as a class. The Agency also agrees with the commenter that because alachlor, acetochlor, and metolachlor do not have a common mode of action, they are not at this time appropriate contaminants to be grouped together to develop a single approach addressing all acetanilide pesticides. Contrary to earlier statements, acetanilide pesticides are not likely candidates for development of ''total standards'' in the foreseeable future. However, the Agency is interested in the development of ''total standards,'' or standards that address classes of compounds, where appropriate, and as the state of the science improves.

B. Acetone and Cumene

Two commenters remarked that outdated oral reference doses (RfD) from the Integrated Risk Information System (IRIS) for acetone and cumene were used in developing the draft CCL and that analyses should be done with current information. The Chemical Manufacturers Association's Acetone Panel submitted comments about acetone and recommended that it should not be included on the final CCL. The reason given, in addition to the outdated RfD, was that outdated information concerning levels of acetone detected in the environment, including data from old National Priority List (NPL) sites had been used in the Agency's evaluation and that this did not provide a reliable basis for estimating likely levels of acetone in drinking water or sources of drinking water. The Panel believes more relevant information shows that acetone is unlikely to be present in drinking water or sources of drinking water at levels of concern.

The Chemical Manufacturers Association's Cumene Panel submitted comments about cumene and recommended that it should not be included on the final CCL. The reason given, in addition to the outdated RfD, was that concentrations of cumene detected in the environment were not at levels of concern, and it is rarely detected in drinking water or sources of drinking water.

EPA Response

The Agency agrees with the commenters that the current IRIS values should be used in the evaluations for developing the CCL. The updated value for acetone has not been posted on the IRIS database; however, the Agency has acknowledged the new value of 0.9 mg/kg/day previously in a notice concerning section 313 of the Emergency Planning and Community Right-to-Know Act (60 FR 31644). The updated value for cumene has been posted on the IRIS database, and is 0.1 mg/kg/day.

The occurrence data from the U.S. Geological Survey's National Water Quality Assessment Program (NAWQA) indicates that acetone was detected at a

frequency of greater than 10% of the samples collected; however, the concentrations found did not exceed their reporting level of 0.2 µg/l. When the current IRIS values are used for acetone and cumene, and compared to the available occurrence data, neither meets the criteria set forth for identifying contaminants for the CCL, and therefore, acetone and cumene have been removed from the CCL.

C. Aldicarbs and Nickel

EPA received a number of comments encouraging the inclusion of aldicarbs and nickel on the CCL, while a few commented that it was inappropriate to include these contaminants, despite the Agency's existing statutory obligation with regard to these contaminants.

EPA Response

In the case of aldicarbs (aldicarb, aldicarb sulfoxide, aldicarb sulfone) and nickel, the Agency has determined that it is inappropriate to include these contaminants on the CCL. The 1996 Amendments to SDWA explicitly reenacted the requirements for regulation of these contaminants [section 1412 (b)(2)]. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date of the maximum contaminant levels (MCLs) for aldicarbs, and they never became effective. NPDWRs for nickel were promulgated on July 17, 1992, but the MCL was later vacated and remanded in response to a lawsuit from the Nickel Development Institute and other industry parties.

The Agency intends to complete regulatory action for both aldicarbs and nickel. The time-frame of completing action for these contaminants is likely to be the same time-frame required by SDWA for regulatory determinations for contaminants on the CCL. When considering the nature and type of work necessary to complete action on these contaminants, the effort for aldicarbs is anticipated to be less extensive than that required for nickel; thus, regulations for aldicarbs are likely to be completed prior to regulations for nickel.

D. Aluminum

EPA received four comments recommending that aluminum not be included on the CCL. One commenter stated that regulations would be premature at this time, due to the need for additional information on the risk of adverse effects and occurrence in drinking water. Other commenters argued that there was no scientific health basis for the inclusion of aluminum on the CCL, and that the World Health Organization (WHO) stated in 1995 that there is an inadequate basis for revising existing guidelines for aluminum below the 200 µg/l standard used to control taste and odor effects. The commenters also explained that the source of aluminum in drinking water is primarily linked to the use of alum as a flocculent in water treatment, and the implications of regulating aluminum at lower levels could cause deleterious effects on water quality.

An additional commenter felt that aluminum should be included on the CCL based on new literature on the relationship of aluminum to Alzheimer's Disease, elderly mental impairment, and childhood learning disabilities. The commenter disagreed with the need for additional data on the health impacts of aluminum. The commenter contends that much more is actually known today about how aluminum causes neurological injury than is known for lead, and that there is as much data on the health effects of aluminum as was ever available for lead.

EPA Response

The Agency disagrees with the commenters who indicated that aluminum should not be on the CCL. The Agency believes it is appropriate to include aluminum on the CCL because of the new developments and research on aluminum epidemiology indicating a potential link between aluminum and adverse neurological effects. It is clear that additional studies are needed to characterize the risk of this contaminant from exposure through drinking water.

Due to aluminum's widespread occurrence and the recent studies indicating some association with Alzheimer's like symptoms and other potential neurotoxic effects, the Agency believes aluminum warrants further investigation. It is also EPA's opinion that additional data are needed to determine an adequate no-observed-adverse-effect-level (NOAEL) for potential chronic neurotoxicity. The inclusion of a contaminant on the CCL does not necessarily mean that the contaminant will be regulated. Contaminants on the CCL include those priorities for which the Agency must make a determination of whether or not to regulate by the year 2001, and priority contaminants for which the Agency will gather additional data and conduct research. At this time, the EPA has included aluminum among the contaminants for which additional research is needed.

E. Dimethoate

One commenter suggested that dimethoate be deleted from the CCL. The major reasons given were that dimethoate did not meet the occurrence criteria, because data used in the Agency's analysis from the Pesticides in Ground Water Database (PGWDB) report were recorded erroneously, and that the IRIS values lack critical evaluation and therefore should not be considered in evaluating whether a contaminant should be included on the CCL.

EPA Response

The Agency agrees with the commenter on the point raised about the occurrence data, but not on the point raised about the use of IRIS values. Based on the faulty occurrence data, dimethoate has therefore been removed from the CCL.

In general, the RfD is an estimate (with uncertainty spanning perhaps an order of magnitude) of a daily exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime. The health assessment information and RfD values on a chemical substance are included in IRIS only after a comprehensive review of chronic toxicity data by U.S. EPA health scientists from several program offices and the Office of Research and Development. The Agency believes it is entirely appropriate to use RfD values reported to IRIS in the absence of drinking water health advisory values in the derivation of health levels of concern for determining if a contaminant should be included on the CCL.

However, according to EPA's Office of Pesticide Programs (OPP), the office that prepared the PGWDB report, and the Georgia Department of Natural Resources, the data reported for the State of Georgia are incorrect. The laboratory analysis sheets from the Georgia Ground Water Management Laboratory Program indicate dimethoate was not detected in any samples in the State. By eliminating the occurrence data from the PGWDB report for the State of Georgia and replacing it with this new information, which the Agency feels is appropriate, dimethoate no longer meets the criteria for inclusion on the CCL, and has therefore been removed.

F. DTBB

DTBB, also known as 2,6-di-tert-butyl-p-benzoquinone, is a contaminant that appears to be associated with sewage contamination of ground water, and is

considered by some to be a good indicator of such contamination. DTBB was determined not to meet the criteria for the CCL per se, but was included on the draft list nevertheless, because of the persistent nature of the contaminant, and its potential to serve as an indicator. One commenter stated that coliforms and nitrate already serve the purpose as indicators of contamination, and that it was pointless to include DTBB on the CCL, since it, in fact, did not meet the criteria.

EPA Response

The Agency agrees with the commenter and has removed DTBB from the CCL. DTBB does not meet criteria set forth for identifying contaminants for the CCL, and since there are currently acceptable indicators of sewage contamination in the use of total coliforms, its inclusion is unnecessary.

G. Methyl Bromide

Several commenters supported the inclusion of methyl bromide on the CCL. The principal reason cited by commenters was the widespread use of methyl bromide as a fumigant and its likely occurrence in drinking water sources. One commenter indicated that although the frequency of detection in samples was less than 0.1% in ambient water monitoring conducted by the U.S. Geological Survey, methyl bromide should be considered for inclusion because the environmental significance may warrant it.

EPA Response

Methyl bromide, which is also known as bromomethane, was included on the draft CCL based on input from stakeholders that it was found in drinking water. In response to the comments, EPA has reevaluated the available information on methyl bromide occurrence. Contrary to assertions of likely widespread occurrence in source water due to its use as a fumigant, the U.S. Geological Survey ambient water monitoring indicates it occurs at less than 0.1% frequency, at very low concentrations (less than 0.2 µg/l). However, unregulated contaminant monitoring data collected from States indicates methyl bromide occurred in 0.8% of the public water systems. One explanation for this apparent anomaly could be that the finished water occurrence comes not from its use as a fumigant, but that methyl bromide is associated with the disinfection processes used for drinking water treatment. Nevertheless, methyl bromide met the criteria for inclusion on the CCL; the concentrations reported (maximum 29 µg/l) in the unregulated contaminants database exceeded the health level of 0.8 µg/l.

Methyl bromide is a gas produced by both manmade and natural sources. Methyl bromide is primarily used for soil fumigation (87%), but its other agricultural uses include: commodity and quarantine treatment (8%), and structural fumigation (5%). When used as a soil fumigant, methyl bromide is injected into the soil at a depth of 12 to 24 inches. About 50 to 95% of the methyl bromide injected in the soil eventually enters the atmosphere. About 80 to 95% of the amount used for commodity treatments, and well over 90% used for structural fumigation eventually enters the atmosphere. A significant quantity of methyl bromide used for agricultural purposes is known to escape to the atmosphere due to its volatile nature. Therefore, the U.S. Geological Survey data indicating less than 0.1% frequency of occurrence is consistent with what would be expected to present in ground water due to methyl bromide's use as a fumigant.

Methyl bromide is also considered a Class I ozone depleting substance, and as such, its use is being phased out around the world by the Montreal Protocol, and in the U.S., by the Clean Air Act (CAA). The Montreal Protocol is an international treaty developed to protect the earth from the detrimental effects of ozone depletion, and to control the production and trade of ozone depleting substances on a global basis. Title VI of the CAA, as amended in 1990, requires that certain ozone depleting substances be phased out in the U.S. within seven years. Under the CAA, the EPA has prohibited the production and importation of methyl bromide starting January 1, 2001. As a result, given methyl bromide's lack of persistence, occurrence in source waters will likely decrease even more.

If methyl bromide is a disinfection byproduct, EPA has a number of rules and activities currently in place and under development to address it. In 1979, EPA issued an NPDWR establishing an MCL for the total trihalomethanes (TTHMs) disinfection byproducts. The Agency is also in the process of updating the disinfection byproducts regulation. In 1994, EPA proposed a revised standard for TTHMs and a new standard for haloacetic acids. The TTHMs were regulated not only to control trihalomethanes, but also to protect against other similar byproducts. Because of structural similarity, steps to reduce formation of TTHMs would also reduce formation of methyl bromide. The treatment technique of enhanced coagulation, included in the 1994 proposed DBPR, will remove disinfection byproduct precursors, thus reducing the levels of disinfection byproducts in finished waters. Although methyl bromide is not a TTHM, for which an MCL is explicitly established, the Agency believes it would be effectively controlled under the DBPR. However, it is not clear whether methyl bromide is being formed due to disinfection.

Because it cannot be determined whether methyl bromide is being formed due to disinfection, and its use as a fumigant cannot be completely dismissed as source of drinking water contamination, the Agency has decided to retain methyl bromide on the CCL. At the January 7, 1998 meeting, the NDWAC Working Group on Occurrence & Contaminant Selection concurred with the EPA recommendation to delete methyl bromide because it was being addressed in ongoing rulemakings for disinfection byproducts. However, at the February 2, 1998 meeting, the full NDWAC recommended the Agency retain methyl bromide on the CCL after receiving comment that because it is a mono-halogenated compound, it was not specifically regulated with the TTHM family which are tri-halogenated compounds, and that it may not turn out to be a disinfection byproduct. At the meeting, EPA was insufficiently lucid in explaining the connection between the TTHM byproducts and the control of similar byproducts. Nonetheless, after further consideration of the NDWAC recommendation, and given the uncertainties about the source, EPA has concluded that methyl bromide should remain on the CCL.

Since methyl bromide is a gas, most health studies have used the inhalation route of exposure, and the effects of oral exposure have received limited attention. In 1989, EPA classified methyl bromide as a Group D carcinogen (not classifiable) due to inadequate bioassay data. At the time of the IRIS assessment, also in 1989, a chronic oral study was not available, therefore an additional uncertainty factor of 10 (total uncertainty of 1,000) was applied to the RfD calculation. However, since the IRIS assessment, a 2-year rat feeding study showed no evidence of carcinogenicity, and a National Toxicology Program inhalation study, conducted in 1992, found no evidence of carcinogenicity. The Agency will also explore the potential sources of drinking water contamination, and the expected impact of the prohibited production and importation of methyl bromide which begins in January 1, 2001. Methyl bromide is listed on the Research Priorities portion of the CCL to

allow the Agency time to better determine the drinking water risk due to this contaminant.

H. Microorganisms

Many commenters stated that the rationale for the inclusion of microorganisms appeared to be inconsistent. They suggested that other microorganisms would have been included had the criteria been used consistently. It was not the intention of EPA, nor the participants of the EPA Drinking Water Microbiology and Public Health Workshop, to develop a comprehensive list of all possible agents of waterborne disease. The intent was to list what were considered the most important agents (or potential agents) of waterborne disease. The Agency recognizes that the Workshop participants could have established different lists of reasonable criteria for selecting pathogens, and believes that the ultimate decisions represent the best (albeit sometimes subjective) judgment of the panel. Nevertheless, the Agency believes that the process for developing the current CCL for microorganisms by this group of nationally recognized experts in the field of microbiology was reasonable and credible.

EPA believes that regulations that are currently in effect [Surface Water Treatment Rule (SWTR), Total Coliform Rule (TCR)] or are now under development [e.g., Groundwater Disinfection Rule (GWDR), Enhanced Surface Water Treatment Rule (ESWTR), and Disinfection Byproducts Regulations (DPBR)] will address a number of the microorganisms that commenters have suggested. Generally, if a microorganism has not caused, or not expected to cause, a waterborne outbreak in the U.S., or if the organism is known to be susceptible to disinfection or filtration required by current or upcoming regulations, the organism has not been included on the CCL.

Protozoa

Several commenters supported the draft CCL, which included *Toxoplasma gondii, Cyclospora cayetanensis,* and two microsporidia—*Enterocytozoon and* Septata. One commenter suggested the addition of *Entamoeba histolytica* to the CCL, primarily because of its virulence. One commenter suggested that EPA add *Isospora belli* to the final CCL.

EPA Response

After further consideration, EPA has decided to remove *Toxoplasma* and *Cyclospora* from the final CCL. *Toxoplasma gondii* is about the same size as *Giardia,* and *Cyclospora cayetanensis* is larger than *Cryptosporidium*. The Agency believes that the upcoming M/DBPR to control *Giardia* and *Cryptosporidium* will also control these larger organisms. Microsporidia remains on the CCL for the reasons indicated in the preamble to the draft CCL, including the ineffectiveness of chlorination and filtration.

The Agency recognizes that *Entamoeba histolytica* can be virulent. Even though the commenter cites an article stating that dogs and perhaps pigs may be reservoirs for *E. histolytica* (Benenson 1995), animals are probably not major host reservoirs, in contrast to the situation for *Giardia* and *Cryptosporidium*. Thus, if sewage treatment practices are adequate, the potential for source water contamination is probably low, as suggested by the fact that the organism has not caused a significant waterborne disease outbreak since the early 1950s (the one reported exception in the U.S. was a small outbreak in 1984 associated with untreated well water). Importantly, the cyst is large (10–15µm). It is slightly larger than a *Giardia* cyst, and much larger than microsporidia spores that infect humans (1–5µm) to which the commenter compares *E. histolytica*. Thus, EPA believes that regulations that control for *Giardia* and *Cryptosporidium should also control E. histolytica*. For these reasons, *E. histolytica* was not included on the final CCL. The Agency has also decided not to include *Isospora belli* for the reasons given in the preamble of the draft CCL, especially for the fact that its oocysts are 30×12µm, larger than *Giardia* cysts, and any rule to control *Giardia* and *Cryptosporidium* should also control this organism.

Viruses

The draft CCL included the following viruses: caliciviruses, adenoviruses, coxsackieviruses, echoviruses, and the hepatitis A virus. Several commenters suggested that EPA add rotaviruses, hepatitis E virus, and bacteriophage to the final CCL.

EPA Response

The final CCL remains the same as the draft, except that the hepatitis A virus has been removed. Hepatitis A was removed because it is being addressed by current regulations, or regulations under development. As a matter of policy, all viruses are regulated as a class under EPA's SWTR and are going to be regulated as a class under the GWDR, and the Agency does not believe that additional research is needed to demonstrate the efficacy of disinfection for this organism. In contrast, the Agency believes that additional research is needed on the impact of treatment for the other viruses that remain on the CCL.

EPA did not include rotaviruses on the final CCL, primarily because they are vulnerable to disinfection and should always be associated with fecal contamination. Thus, the Agency believes that EPA's SWTR, plus the upcoming GWDR, should adequately control these viruses.

EPA excluded the hepatitis E virus from the final CCL because the Agency does not regard the virus as a significant public health threat in the U.S. and believes that current sewage treatment practices are sufficient to eliminate significant risk of waterborne transmission. EPA recognizes that hepatitis E is a major problem in some developing countries, especially for pregnant women. However, there is no evidence that the organism is a problem in the U.S. Rare cases have occurred in the U.S., usually among travelers returning from an area where the disease is endemic (Mast and Krawczynski 1996). Structurally, the organism is a small, single-stranded RNA virus similar to the caliciviruses, coxsackieviruses, and echoviruses, all of which remain on the CCL, because of evidence of outbreaks and occurrence in finished waters.

Bacteriophage were excluded from the CCL because they are not pathogenic to humans. However, EPA recognizes that they may be useful as an indicator of fecal contamination. EPA has decided not to include indicators of fecal contamination or of pathogens on the final CCL. However, the Agency will consider indicators in the context of regulations to control pathogens on the CCL. For example, the Agency is considering two bacteriophage—the somatic coliphage and the male-specific coliphage—as an indicator of fecal contamination under the Groundwater Disinfection Rule.

Bacteria

The draft CCL included the following bacteria: *Helicobacter pylori, Legionella, Mycobacterium avium* complex, and *Aeromonas hydrophila*. Commenters urged EPA to include additional bacteria, including *Pseudomonas aeruginosa, Shigella, Salmonella, Vibrio, Arcobacter, Campylobacter, Yersinia,* and *E. coli* O157:H7, and that if these enteric bacterial pathogens were not included on the CCL, then *H. pylori* and *A. hydrophila* should not be included either, because both are sensitive to disinfection also.

EPA Response

The final CCL does not include the enteric bacterial pathogens that commenters suggested EPA add (*Shigella, Salmonella, Vibrio, Arcobacter, Campylobacter, Yersinia,* and *E. coli* O157:H7). The Agency's reasons for excluding these organisms are that they are all sensitive to disinfection and are all associated with fecal contamination. Thus, EPA regards total coliforms as an adequate indicator for these organisms. Moreover, the SWTR requires all surface water systems to disinfect, and the forthcoming GWDR is likely to require systems that have wells vulnerable to fecal contamination to disinfect or provide other corrective action. The Agency regards these regulatory tools as sufficient to control for the above pathogens.

With regard to *P. aeruginosa,* the preamble to the draft CCL indicated that the participants of the EPA Drinking Water Microbiology and Public Health Workshop could not agree on whether to include this organism on the draft CCL. There was controversy among participants about its public health significance and its potential health risk via the waterborne route. Therefore, participants recommended that EPA conduct a complete literature search on the topic before deciding whether to include this organism on the final list. The Agency has not yet completed this search. Because of this lack of information, EPA has decided to defer a decision on *P. aeruginosa* and not include it on the CCL. However, should the literature search suggest that regulatory action may be necessary, EPA will increase the priority of research in this area, if appropriate.

With regard to *Helicobacter,* following the meeting of the panel, an article was published indicating that *Helicobacter* is sensitive to chlorine (Johnson, Rice and Reasoner 1997). However, EPA decided not to remove *Helicobacter* from the CCL because of the large number of people in the U.S. affected by peptic ulcers (about 20 million people) and gastritis, the poor survival rate of individuals with gastric cancer, and ignorance about the mode of transmission of the organism. *Helicobacter pylori* has been implicated in the cause of these three diseases. The Agency believes that, in spite of the recent disinfection data, it would be improper to remove *Helicobacter* from the CCL for these reasons.

With regard to *Aeromonas hydrophila,* EPA recognizes that this organism is sensitive to disinfection in source and finished waters. However, unlike the fecal pathogens listed above, *A. hydrophila* may enter the distribution system either as a result of inadequate treatment or a break in the water distribution system, and grow as part of the biofilm on the pipes or in the sediment, which may protect it from disinfectants. In addition, *A. hydrophila* is not necessarily associated with fecal contamination. Thus, the total coliforms rule may not be adequate as an indicator for this organism. Moreover, systems which are not required to disinfect (or take other corrective action) under the forthcoming Groundwater Disinfection Rule because they are considered not vulnerable to fecal contamination, may still be vulnerable to *A. hydrophila.* For these reasons, EPA does not believe that this organism can be treated in the same manner as *E coli* O157:H7 and other fecal bacteria listed by the commenter. Thus, the final CCL includes *A. hydrophila* .

EPA removed Legionella in ground water from the final CCL. It was removed because: (1) the Agency intends to address the control of this organism under the Groundwater Disinfection Rule, and (2) the Agency does not believe that high priority research is needed in this area to regulate this organism.

Algae and Their Toxins

Several commenters strongly urged EPA to add algae, especially the blue-green algae, plus their toxins (e.g., mycotoxin) to the CCL. One commenter suggested that *Pfiesteria piscicida* be included on the final CCL, as well.

EPA Response

In the preamble to the draft CCL, EPA stated that certain species of blue-green algae produce toxins that could be harmful if ingested at high enough concentrations, but that algal control was best handled through good watershed management practices. The Agency continues to regard this strategy as reasonable. However, the Agency has decided to add the algae and their toxins to the final CCL because: (1) pathogenic algae and their toxins are not necessarily associated with fecal contamination and thus may not be effectively controlled by the SWTR or ESWTR, and (2) some data suggest that current treatment techniques may be particularly inadequate in controlling algal toxins. Placement of this group of contaminants on the CCL will make them a priority for research to determine what triggers toxic algal growth in source water and the effectiveness of water treatment practices.

EPA is aware that *Pfiesteria piscicida* has been implicated in adverse health effects in humans. Apparently at least 13 researchers who worked with dilute toxic cultures of this organism and 10 fishermen sustained mild to serious health effects by water contact or by inhaling toxic aerosols. Symptoms include skin rashes, reddening of the eyes, severe headaches, blurred vision, nausea/vomiting, breathing difficulties, kidney and liver problems, short-term memory loss, confusion, and other problems. The organism has a complicated life cycle, with about 24 stages. *Pfiesteria's* habitat is estuarine or brackish water. Current data indicate that, like most other dinoflagellates, the organism grows poorly in fresh water and does not elaborate toxins in this milieu, thus, there is no evidence that *Pfiesteria* occurs or could occur in drinking water. Moreover, the size ranges from 5–450 μm, with the dormant cyst stages 7–60 μm in diameter. Thus filtration that is effective for removing *Cryptosporidium* (4–6 μm) should be effective for removing *Pfiesteria.* For these reasons, EPA believes that *Pfiesteria* does not represent a health threat in drinking water systems, and thus did not include *Pfiesteria* on the final CCL.

I. MTBE

A number of commenters agreed with the inclusion of methyl-t-butyl ether (MTBE) on the CCL, and some indicated that MTBE should be included among the contaminants for which determinations will be made by 2001. Another commenter suggested it should not be included on the CCL but should be included in the forthcoming Unregulated Contaminant Monitoring rulemaking, due in 1999.

EPA Response

The Agency agrees that MTBE should remain on the CCL. However, as with all the contaminants on the list, EPA has not made a determination with respect to regulating MTBE. Although there are serious limitations in the MTBE data, there is some evidence to support a concern for potential human hazard. MTBE has been found in some drinking water wells but it is uncertain whether the concentrations are at levels of health concern. Given the potential health hazard and need for additional data, MTBE meets the criteria for placement on the CCL.

The inclusion of a contaminant on the CCL does not mean that the contaminant will be regulated. As noted earlier, contaminants on the CCL include those for which the Agency must make a determination of whether or not to regulate by 2001 pursuant to the requirements of the SDWA, but it also includes the Agency's research

priorities, contaminants for which monitoring is necessary to gather additional data. MTBE will remain on the CCL since the Agency needs additional occurrence data.

At this time, the EPA has not included MTBE among the contaminants for which determinations will be made by 2001. As stated earlier, MTBE needs additional health and occurrence data, and as such, it will be one of the priority contaminants for which the Agency will gather such data. There are no data on the effects on humans of drinking MTBE contaminated water. Therefore, EPA is continuing to evaluate the available health information and is doing additional research to seek more definitive estimates of potential risks to humans from drinking water. One of the mechanisms for gathering occurrence data is to include a contaminant in the forthcoming Unregulated Contaminant Monitoring rulemaking to be issued in August 1999. The Agency is also not precluded from using other means of gathering occurrence data which may include conducting special studies. The data collection and evaluation efforts will assist in determining what the appropriate action should be with respect to MTBE. Placing MTBE in this category does not prevent the Agency from selecting it to make a determination of whether or not to regulate by 2001; however, at this time, it is not likely that the necessary data will be collected and evaluated in time to make a determination by this date.

To facilitate data collection and evaluation efforts for MTBE, an Agency-wide task force has been formed and has prepared a draft Oxygenates in Water Research Strategy. The Strategy identifies current, or soon to be started, research in areas that include environmental occurrence, source characterization, transport and transformation, exposure, toxicity, and treatment. The Strategy will also identify key areas of research that are still necessary to build a stronger, more informed scientific database to support health risk assessment and risk management decisions with respect to fuel oxygenates, including MTBE.

On October 7, 1997, EPA convened a day-long meeting of over 50 experts—including representatives from industry, academia, consultants, and other government agencies—to review a draft of the Strategy. The information produced in this workshop is being used to help revise the draft of the Strategy, which will serve as a blueprint to assist in coordinating efforts by various organizations, public and private, in addressing the issues related to oxygenates in water. The Agency will also publish the Strategy in the **Federal Register** this Spring, to seek additional public comment on the research priorities identified.

J. Organotins

Four commenters argued that organotins, specifically the mono- and di-organotins, the only types used as polyvinyl-chloride (PVC) heat stabilizers, should not be included on the CCL. The commenters maintained that, due to evidence of low toxicity and low migration (thus, low risk to consumers), mono- and di-organotins, especially mono- and di-methyltins, should not be of concern to drinking water, particularly in light of the National Sanitation Foundation (NSF) certification program for plumbing materials. Other commenters indicated that it was premature for the Agency to regulate organotins, but thought it prudent that the Agency keep informed of the issue.

EPA Response

EPA disagrees with the commenters who suggest that organotins should be deleted from the CCL. It should be emphasized that retaining organotins on the CCL does not necessarily mean that they will be regulated. The Agency believes that organotins, including mono- and di-organotins which are used as heat stabilizers in PVC and chlorinated polyvinyl-chloride (CPVC) pipes, are of sufficient concern to warrant further investigation. The Agency is aware of the NSF certification program, and has noted that many States require the use of NSF-certified material in the construction of new buildings. The Agency agrees with the NDWAC Working Group recommendation that an assessment of the toxicological data underlying the action levels established by the NSF needs to be made along with assessment of other available information on organotins, before these compounds can be disregarded as of concern. The Agency requested this information from the NSF, and learned that due to confidentiality agreement, NSF cannot disclose this information, therefore we have not yet been able to assess the toxicological data.

There are numerous concerns about the occurrence and toxicological significance of various species of organotins in drinking water. A recent report indicates that unlike PVC systems, new CPVC systems have the potential to contaminate drinking water with organotin compounds for a longer period of time after installation (Forsyth and Jay 1997). There has been a report concerning tributyltin contamination of drinking water from PVC pipes, and tributyltin is of far more toxicological significance than mono- and di-organotins (Sadiki et al, 1996). There is also concern about the recent reports of teratogenic potential of dibutyltin (Ema et al, 1996). The Canadian Government is concerned about organotin contamination of drinking water and has launched a national survey.

In view of these concerns, the Agency believes that organotins, including mono- and diorganotins, should remain on the CCL until the Agency can perform its own in-depth evaluation of the occurrence and toxicological data of the contaminants of this class.

K. Perchlorate

The majority of comments on perchlorate indicated support for its inclusion on the CCL. Commenters pointed out that the information on the occurrence of perchlorate in drinking water supplies was sufficient to raise concern over the potential impact on public health. A few commenters expressed concern that perchlorate should not be regulated or that there was not sufficient information at present to warrant its regulation, and that a health advisory would be more appropriate.

EPA Response

The Agency agrees with commenters that sufficient information exists to raise concern over the potential health effects and occurrence of perchlorate in drinking water supplies. Despite significant data gaps regarding health effects, occurrence, and treatment technologies, perchlorate has been found in a number of drinking water supplies at levels of health concern, and as a result is included on the final CCL.

The Agency understands that the extent of actual or even potential perchlorate contamination is unclear for many parts of the country, and that for some areas of the country perchlorate contamination may not be an issue. However, perchlorate has been detected in a number of drinking water supplies to date and warrants further evaluation. Placement of perchlorate on the CCL means that the Agency will make it a priority to conduct further investigation and evaluation of the health effects and national occurrence of perchlorate in drinking water supplies.

Perchlorate has been placed in the categories of needing additional health effects, treatment research, and occurrence information. Several toxicological and occurrence studies are planned or are underway, which will assist the Agency in filling these data

gaps on perchlorate. At this time, the Agency has not made a determination to issue a health advisory or to regulate perchlorate. The additional data obtained from these health effects and occurrence studies will provide a sound scientific basis for future EPA decisions of whether to regulate perchlorate or not, to prepare a health advisory or guidance, or to include perchlorate in the Unregulated Contaminant Monitoring rulemaking. Placing perchlorate in these categories does not preclude the Agency from selecting it to make a determination of whether or not to regulate by 2001, but at this time it is unlikely that perchlorate will be included among those for which determinations will be made by 2001.

L. Rhodamine WT

A few commenters argued that Rhodamine WT be removed from the CCL. The commenters stated that Rhodamine WT has a very specialized purpose. They also noted that it is certified by the NSF and that the certification is reviewed by EPA. They also stated that data for including Rhodamine WT were questionable, and that the contaminant had no specific health effect.

EPA Response

EPA agrees with the commenters and has removed Rhodamine WT from the CCL. Rhodamine WT was placed on the draft CCL because it was detected in ground water above the NSF Standard 60 concentration of 0.1µg/L for drinking water. However, three concentrations have been established under the NSF Standard 60; 0.1µg/L for drinking water, 10µg/L for water entering a drinking water plant (prior to treatment and distribution), and 100 µg/L for ground water not associated with drinking water production. These concentration values were developed under the Agency's former Additives Program which was subsequently privatized and turned over to NSF in the 1980's.

The maximum concentration of available occurrence data was 28 µg/L detected in ground water, and, as such, should be compared to the recommended value of 100 µg/L for ground water, not the value for drinking water. Given this comparison, the maximum concentration of 28 µg/l is well below the recommended value for ground water of 100 µg/L. When the NSF guidance regarding the use of Rhodamine WT as a fluorescent tracer in water flow studies is followed the Agency does not anticipate any adverse health effects resulting from the use of Rhodamine WT.

M. Sodium

Many commenters were opposed to including sodium on the CCL, primarily due to their contention that sodium in drinking water is not a public health concern because of its extremely low level in drinking water, and its small contribution to overall sodium intake. Commenters also noted that controlling sodium in public water systems would be cost-prohibitive and produce marginal or nonexistent health benefits. Commenters argued that food, which is the major source of sodium, is allowed to average 440 mg/day under a ''salt-restricted'' medically-supervised diet, and that controlling sodium content in food would address salt-restriction more directly. Commenters also strongly disagreed with the use of EPA's DWEL of 20 mg/l as the public health criteria for determining whether to include sodium on the CCL. The commenters mentioned a more up-to-date, 1996 report published by the American Medical Association (AMA) showing a lack of association between sodium and blood-pressure, except for older individuals with existing hypertension. Other commenters argued for the inclusion of sodium, citing studies linking it to hypertension and the need to maximize protection of salt-sensitive individuals as a sensitive subpopulation.

EPA Response

The issue of sodium posed a unique challenge for the Agency priority setting and contaminant candidate listing process. Information from commenters on each side made important points. On the one hand, high levels of salt intake can be associated with hypertension in some individuals. On the other hand, sodium levels in drinking water are unlikely to be a significant contribution to adverse health effects.

This low level of concern is compounded by the legitimate criticisms of EPA's 20 mg/l guidance level that was used in this process. EPA believes this guidance level for sodium needs updating, and is probably low. If a health benchmark for drinking water were established using current information and current drinking water health assessment procedures, it would likely be higher. This revision could establish a new level at which sodium occurrence would not meet the criteria for inclusion on the CCL as a drinking water contaminant of concern. There was insufficient time to complete a reassessment of the sodium guidance in advance of the CCL issuance.

Given the state of the data, EPA faced a dilemma on whether or not to list sodium. A decision not to list would be justified by the fact that much is known about sodium and it does not appear to be a drinking water risk comparable to other priority contaminants. In fact, this was the logic supporting the decision not to include sodium on the previous drinking water priority list in 1991. However, a decision to list sodium would afford EPA the opportunity to address the confusion surrounding the current guidance for sodium in drinking water.

In the end, EPA decided to include sodium on the CCL, primarily as a vehicle to reexamine and correct the current, outdated guidance. Therefore, sodium is listed, not as a Regulatory Determinations Priority, but as a Research Priority to allow time to evaluate and revise the Agency guidance. When this is completed, EPA will reevaluate whether sodium merits retention on the CCL for any further action.

N. Triazines

Many commenters applauded EPA's intention to address triazines and their metabolites as a group a ''good first step'' to addressing these compounds. A number of commenters indicated that we should include other triazine degradation products such as deisopropyl atrazine and diaminochlorotriazine (same as diamino atrazine) because they too are common degradation products of atrazine as well as simazine, and are found at higher concentrations than atrazine-desethyl. Once commenter expressed concern that additional information was being considered and evaluated by the Agency under the OPP Special Review program, and that these reviews should be completed before triazines are considered for the CCL.

EPA Response

The Agency agrees with the points raised by the commenters regarding the triazine degradation products. As a result, the EPA has decided to include triazines and their degradation products (including but not limited to: cyanazine and atrazine-desethyl) on the CCL as a group to include all potential risks from this class of compounds. Stakeholders, through the regulatory reassessment process in developing the redirection strategy, and through the development of this draft CCL, have requested that the Agency address triazine pesticides as a group, which includes all parent and degradate compounds, as opposed to each triazine as an individual contaminant.

The EPA has been studying the mechanism of carcinogenicity of this

group of analogues along with their degradation products, and will continue to study these chemicals as a group to characterize their risk in drinking water. The Agency regulated atrazine in 1991 and simazine in 1992. The Agency may ultimately develop regulations for the mixtures of triazines either through the revision of existing regulations or the development of new ones.

EPA disagrees with the notion that triazines should be excluded from the CCL until after the completion of the Special Reviews. The triazines are included in the Priority Group 1 of pesticide tolerances that will be examined first under the Food Quality Protection Act (FQPA) tolerance reassessment (62 FR 42020). The work being accomplished by OPP in their review efforts will certainly be factored into EPA's decisions regarding triazines, as with all pesticides on the CCL.

O. Zinc

Two commenters were opposed to the inclusion of zinc on the CCL. The commenters argued that zinc did not meet the criteria for inclusion on the CCL, and is generally non-toxic to animals and humans. They pointed out that zinc is used in a wide variety of products, and is also an essential element. One commenter stated that the Agency had not considered zinc's beneficial qualities when deciding whether it should be included on the CCL, and that the WHO and EPA have both stated that deficiency of zinc is more of a concern than over-exposure. The commenter further argued that the history of the substitution from the 1988 DWPL was not considered, and that the HA value used in the Agency's analysis was from a ''7-yr old draft'' which was not available for comment and therefore the explanation behind the Agency's HAL of 2,000 µg/l was not available for comment.

EPA Response

The EPA agrees with the commenter on the point raised that zinc does not meet the criteria for inclusion on the CCL, and has removed zinc from the CCL. The Agency has determined that the number of public water systems with zinc levels above 1,000 µg/l is 4, and none had occurrence levels above 2,000 µg/l, and, as a result, zinc doesn't meet the criteria for inclusion on the CCL. The criterion for a contaminant to be included on the CCL was ''occurrence at the health level of concern in 10 or more small public water systems.'' The action of removing zinc from the CCL was due to its lack of occurrence in water systems at health levels of concern, not due to its lack of toxicity. It is known that daily exposure to zinc of approximately 60 mg/l (60,000 µg/l) or more can effect copper metabolism, and result in deleterious health effects.

IV. Continuing Work in Preparation for Future CCLs

In the **Federal Register** notice on the draft CCL, the Agency deferred action on a number of pesticides, and contaminants implicated as endocrine disruptors, in anticipation of impending resolution specific to these two groups of contaminants. Action on these contaminants continues to be deferred and these contaminants will be reconsidered when the next CCL is developed. The Agency is also resuming work on a contaminant identification process to be used in the development of future CCLs. Further discussion of these three topics follows.

A. Pesticides Deferred

In developing the CCL, the SDWA requires EPA to consider substances registered as pesticides under FIFRA. During the development of the CCL, the Agency's Office of Ground Water and Drinking Water sought assistance from OPP in determining what pesticides should be priorities for the drinking water program. In response to the request, OPP provided recommendations for a number of pesticides based on physical-chemical properties, occurrence and extent of use, using the Ground Water (GW) Risk score. The GW-Risk score is a calculated potential of pesticides to leach to ground water. Pesticides with a GW-Risk of 2.0 or greater were included for initial consideration in developing the draft CCL.

However, later during the data evaluation and screening phase of the CCL development, the decision was made to defer pesticides identified by the GW-Risk of 2.0 or greater for which no additional information was available. Inclusion on the CCL would be deferred pending further evaluation of the potential of these pesticides to occur at levels of health concern. The Agency is working to develop a tool to estimate concentrations in ground and surface waters based on physical-chemical properties and pesticide use volumes, and will then compare the estimated concentrations with health advisory levels or calculated health levels based on reference doses or cancer potency.

It was anticipated that the tool to estimate concentrations of pesticides in ground and surface waters would be completed and available in time to reevaluate the inclusion of the additional pesticides prior to completing the CCL. However, the Agency believes it is important to have this tool peer-reviewed prior to its use, which would increase the time necessary for its development beyond the time available. Therefore, EPA did not attempt to complete this work before finalizing the CCL in today's notice. As a result, action on these pesticides remains deferred until the next CCL.

On December 10, 1997, the Science Advisory Panel (SAP) met to discuss drinking water exposure assessment issues with the OPP. The objective of the meeting was to obtain SAP's recommendation on the approaches and models developed by OPP to determine short-term and long-term potential exposures from pesticides in drinking water. The issues of monitoring requirements, and assessing impacts of exposure to mixtures were also part of the discussion. The approaches and models developed by OPP and the forthcoming SAP's recommendations on these issues are of particular importance to the Office of Water in that the outcome will be used in the drinking water program as well.

B. Endocrine Disruptors

During the development of the draft CCL, the Agency initially considered, then later deferred, a number of contaminants implicated or suspected as substances which disrupt the function of the endocrine system. As stated in the notice of the draft CCL, EPA issued an interim assessment in February 1997, pending a more extensive review expected to be issued by the National Academy of Sciences (NAS), determining that, while effects have been found in laboratory animal studies, a causal relationship between exposure to a specific environmental agent and an adverse health effect in humans operating via endocrine disruption has not been established, with a few exceptions. Further research is needed before such effects can be demonstrated.

Under the SDWA, as amended, the Agency is also required to establish a program to screen endocrine disrupting contaminants. Additional authority to assess endocrine disruptors is also provided through the recently enacted FQPA. EPA's Office of Prevention, Pesticides, and Toxic Substances (OPPTS) has the Agency lead on endocrine disruptor screening and testing issues, and is actively engaged in research and regulatory initiatives to respond to the growing scientific and public concern over endocrine disruptors. Also, the Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC) has

been established to provide advice and counsel to the Agency in implementing a screening and testing strategy required under the FQPA and SDWA. EDSTAC will complete its recommendations for a screening and testing strategy by March 1998. The recommendations will be peer-reviewed jointly by the SAB and the FIFRA SAP.

As a result, pending completion of the EDSTAC's recommendations and the additional review of endocrine disruptors by the NAS, EPA has not included contaminants for inclusion on this first CCL based solely on the possibility of endocrine disruption (although several contaminants implicated as endocrine disruptors were considered for other reasons). As stated in the notice on the draft CCL, the Agency will continue to follow this issue closely and reconsider this category of potential contaminants in the development of future CCLs.

C. Development of the Contaminant Selection Process

This CCL is largely based on knowledge acquired over the last few years and other readily available information, but an enhanced, more robust approach to data collection and evaluation will be developed for future CCLs. The Agency will also resume work on the contaminant identification and the contaminant selection process. The CCL, and the identification and selection process will serve as the cornerstones of the Agency's regulatory development process. In addition to developing the CCL, and the identification and selection process, the Agency intends to obtain resources in order to acquire better data and information, improve analytical capability, and seek additional stakeholder involvement.

The next steps for improving the contaminant identification and selection process include an American Water Works Association Research Foundation (AWWARF) project utilizing a series of workshops in which established decision-making tools would be employed to develop a process to identify emerging pathogens of concern for consideration, regulation, and future research. The work is expected to begin in June/July 1998. A project with the NAS will also be undertaken to solicit input on criteria for listing and selecting chemical contaminants for future CCLs. A panel is currently being formed and work is expected to begin in summer of 1998. The development of the identification and the selection process will be completed in consultation with the NDWAC and the Working Group on Occurrence & Contaminant Selection, and their future involvement is likely to include reviewing products from AWWARF and NAS in 1999. The CCL is a critical input to shaping the future direction of the drinking water program, and improvements to the process will be made with each successive cycle of publishing the list.

V. Data, Research Needs and Next Steps

Table 2 divides the CCL into categories to represent the next steps and data needs for each contaminant. Sufficient data are needed to conduct analyses on extent of exposure and risk to populations via drinking water in order to determine appropriate Agency action (development of health advisories, or regulations, or no action) for many of these contaminants. If sufficient data are not available, they must be obtained before such an assessment can be made. The data and information required will be gathered by research or monitoring programs, and are not likely to be available for analyses to be completed prior to 2001. Thus, the contaminants for which sufficient data exist at the time of publishing the CCL are likely to be those from which the determinations will be made by 2001.

However, it should be noted that the groupings in Table 2 are based on current information, and some movement of contaminants between categories can be expected as more information is evaluated and analyzed. The Regulatory Determination Priorities category in Table 2 will be used to select 5 or more contaminants for which the Agency must determine, by August 2001, whether or not regulations should be developed. To make these determinations, further analysis of data currently available, or data that will become available within a short period, is required to prepare supporting documents addressing health criteria, cost and benefit assessments, and analyses of analytical methods, occurrence, and treatment technology and feasibility. For contaminants in the category, there may also be some short-term research needs, such as bench-scale treatability studies, that must also be completed. The next steps for the Agency regarding the contaminants in this category are to determine which contaminants to address first, and outline plans of action to work towards making determinations for five or more by August 2001.

The contaminants in the Research Priorities category have significant data gaps in areas of health, treatment, or analytical methods. For these contaminants, the research, or data gathering, and subsequent analysis needed are not expected to be complete within the 3½ years, by August 2001, in order to make determinations of whether regulation of these contaminants is necessary. These are EPA's priority contaminants for research and data gathering. Some of these research needs are currently being addressed by EPA or other agencies (e.g., Department of Defense for perchlorate), while other needs are newly identified.

The contaminants in the Occurrence Priorities category have significant data gaps in occurrence data. The Unregulated Contaminant Monitoring Regulations (UCMR) will be the primary source for data for most contaminants included in this category; however, some contaminants may be more appropriate for special studies or surveys, or joint data gathering efforts with other Agencies. Also, for some contaminants, suitable analytical methods must be developed prior to obtaining the occurrence data necessary.

The next steps for the Agency are to develop short- and long-term research plans on health, treatment, and methods, to develop the UCMR proposal (expected August 1998) for gathering occurrence data, and to plan for special occurrence studies, where appropriate. The Agency will also use its FIFRA and Toxic Substances Control Act (TSCA) authorities, as appropriate, to conduct studies and obtain data necessary for decision-making.

TABLE 2.—NEXT STEPS FOR THE CCL

Regulatory determination priorities	Research priorities			Occurrence priorities
	Health research	Treatment research	Analytical methods research	
Acanthamoeba (guidance) 1,1,2,2-tetrachloroethane 1,1-dichloroethane 1,2,4-trimethylbenzene 1,3-dichloropropene 2,2-dichloropropane Aldrin Boron Bromobenzene Dieldrin Hexachlorobutadiene p-Isopropyltoluene Manganese Metolachlor Metribuzin Naphthalene Organotins Triazines & degradation products (incl., but not limited to Cyanazine and atrazine-desethyl) Sulfate Vanadium	Aeromonas hydrophila Cyanobacteria (Blue-green algae), other freshwater algae, and their toxins Caliciviruses Helicobacter pylori Microsporidia Mycobacterium avium intercellulare (MAC) 1,1-dichloropropene 1,3-dichloropropane Aluminum DCPA mono-acid & di-acid degradates Methyl bromide MTBE Perchlorate Sodium (guidance)	Adenoviruses Aeromonas hydrophila Cyanobacteria (Blue-green algae), other freshwater algae, and their toxins Caliciviruses Coxsackieviruses (ICR data) Echoviruses (ICR data) Helicobacter pylori Microsporidia Mycobacterium avium intracellulare (MAC) Aluminum MTBE Perchlorate	Adenoviruses Cyanobacteria (Blue-green algae), other freshwater algae, and their toxins Caliciviruses Helicobacter pylori Microsporidia 1,2-diphenylhydrazine 2,4,6-trichlorophenol 2,4-dichlorophenol 2,4-dinitrophenol 2-methyl-Phenol Acetochlor Alachlor ESA Fonofos Perchlorate RDX	Adenoviruses.* Aeromonas hydrophila. Cyanobacteria (Blue-green algae), other freshwater algae, and their toxins.* Caliciviruses.* Coxsackieviruses (ICR data). Echoviruses (ICR data). Helicobacter pylori.* Microsporidia.* 1,2-diphenylhydrazine.* 2,4,6-trichlorophenol.* 2,4-dichlorophenol.* 2,4-dinitrophenol.* 2,4-dinitrotoluene. 2,6-dinitrotoluene. 2-methyl-phenol.* Alachlor ESA* and Acetochlor.* DCPA mono-acid & di-acid degradates. DDE. Diazinon. Disulfoton. Diuron. EPTC. Fonofos.* Linuron. Molinate. MTBE. Nitrobenzene. Perchlorate.* Prometon. RDX.* Terbacil. Terbufos.

The groupings in Table 2 are based on current information, and some movement of contaminants between categories can be expected as more information is evaluated and analyzed. *Suitable analytical methods must be developed prior to obtaining occurrence data.

VI. Other Requirements

The CCL is a notice and not a regulatory action; therefore, the following statutes and executive orders are not applicable at this time: the Regulatory Flexibility Act, Small Business Regulatory Enforcement Fairness Act, Paperwork Reduction Act, Unfunded Mandates Reform Act; and Executive Order 12866. For any contaminants selected for rule-making, all necessary analysis will be conducted in accordance with the rule-making process.

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, requires that Federal Agencies identify and assess health risks and safety risks that disproportionately affect children, and ensure that its policies, programs, activities, and standards address disproportionate health and safety risks to children. The SDWA also requires the Agency to select priorities for regulation while considering risks to sensitive subpopulations, such as infants and children.

The impact on sensitive populations will be addressed in the contaminant selection process, and will be a component of the Agency's determination of whether or not to regulate a given contaminant. In preparation for addressing the issues of sensitive subpopulations, the Agency is sponsoring several activities to determine water intake by age group, by demographic distribution, and by innate or developed sensitivity to potential drinking water contaminants. The Agency is also collaborating with the Center for Disease Control and Prevention on a study of six major cities to determine the most sensitive populations for drinking water manifested during major outbreaks of illness from incidents of water. Other research also is underway to determine the extent of vulnerable populations including children and the immunologically impaired.

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(Authority: 42 U.S.C. 300f–300j–25)

Dated: February 6, 1998.

Robert Perciasepe,

Assistant Administrator, Office Water, Environmental Protection Agency.

[FR Doc. 98–5313 Filed 2–27–98; 8:45 am]

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29 Parts:			
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32 Parts:			
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700–799	(869–032–00118–9)	28.00	July 1, 1997
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33 Parts:			
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125–199	(869–032–00121–9)	36.00	July 1, 1997
200–End	(869–032–00122–7)	31.00	July 1, 1997
34 Parts:			
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300–399	(869–032–00124–3)	27.00	July 1, 1997
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36 Parts			
1–199	(869–032–00127–8)	20.00	July 1, 1997
200–299	(869–032–00128–6)	21.00	July 1, 1997
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43 Parts:			
*1–999	(869–032–00163–4)	31.00	Oct. 1, 1997
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45 Parts:			
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*90–139	(869–032–00173–1)	27.00	Oct. 1, 1997
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200–499	(869–032–00177–4)	21.00	Oct. 1, 1997
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47 Parts:			
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1000–1199	(869–032–00196–1)	19.00	Oct. 1, 1997
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1997. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1996 to June 30, 1997. The volume issued July 1, 1996, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1997 through December 31, 1997. The CFR volume issued as of January 1, 1997 should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 1998

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
March 2	March 17	April 1	April 16	May 1	June 1
March 3	March 18	April 2	April 17	May 4	June 1
March 4	March 19	April 3	April 20	May 4	June 2
March 5	March 20	April 6	April 20	May 4	June 3
March 6	March 23	April 6	April 20	May 5	June 4
March 9	March 24	April 8	April 23	May 8	June 8
March 10	March 25	April 9	April 24	May 11	June 8
March 11	March 26	April 10	April 27	May 11	June 9
March 12	March 27	April 13	April 27	May 11	June 10
March 13	March 30	April 13	April 27	May 12	June 11
March 16	March 31	April 15	April 30	May 15	June 15
March 17	April 1	April 16	May 1	May 18	June 15
March 18	April 2	April 17	May 4	May 18	June 16
March 19	April 3	April 20	May 4	May 18	June 17
March 20	April 6	April 20	May 4	May 19	June 18
March 23	April 7	April 22	May 7	May 22	June 22
March 24	April 8	April 23	May 8	May 26	June 22
March 25	April 9	April 24	May 11	May 26	June 23
March 26	April 10	April 27	May 11	May 26	June 24
March 27	April 13	April 27	May 11	May 26	June 25
March 30	April 14	April 29	May 14	May 29	June 29
March 31	April 15	April 30	May 15	June 1	June 29